



PLANNING APPLICATIONS WEEKLY LIST NO.1710
Week Ending 3rd May 2024

NOTE:

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

- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **8th May 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.

- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

Index of planning applications: -

1. 24/00044/FUL – Premier Inn Arterial Road Rayleigh PAGES 2-8
2. 24/00108/FUL -78 Folly Lane Hockley PAGES 8-32
3. 23/00792/FUL - Builders Yard And Store 1 Websters Way Rayleigh PAGES 32-48
4. 24/00135/FUL - 63 - 65 High Street Rayleigh PAGES 48-55

Application No :	24/00044/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Premier Inn Arterial Road Rayleigh
Proposal :	Installation of 9 no. air conditioning units

SITE AND PROPOSAL

1. The application site is located at Rayleigh Weir, Arterial Road (A127). The applicants property is a large two storey detached building, which is a Premier Inn. The hotel is situated towards the south of the site and the hotel's car park is situated to the north. Southend Arterial Road (A127) adjoins the south of the site and connects to Brook Road, which envelops the north and the east of the site. The Rayleigh Weir roundabout and underpass is also located to the west of the site.
2. Located towards the north, north-east, and north-west of site are residential properties. Whilst to the south is Rayleigh Retail Park beyond the opposite side of the A127. The building is neither listed nor on the local list and is not situated with a Conservation Area. The application site is located wholly within the residential envelope of Rayleigh.
3. The applicant is proposing to install 9 No. air conditioning units to the east facing elevation towards the commercial development and the south elevation facing on to the A127.

RELEVANT PLANNING HISTORY

4. No relevant planning history pertaining to this site.

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).

Design

7. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
8. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'.
9. As previously stated, the application relates to a relatively large two storey detached building which is partially constructed out of facing brick and render under a concrete interlocking tile roof.
10. Located immediately to the east of the application site is a large public house "The Weir". To the north is a car park which serves both the hotel and the public house. Separating residential properties further to the north, north east, and north west from the application site is Brook Road, which is a heavily trafficked road. Immediately to the south of the application site is the A127 Southend Arterial Road and beyond that are numerous commercial/retail units.
11. The applicant is proposing to install 9No. air conditioning units on the external façade of the building. In reference to the submitted documents 8No. of the units will be installed on the east facing elevation. Whilst the remaining 1No. unit will be installed on the south facing elevation adjacent to the A127. Each of the wall mounted air conditioning units will measure approximately 800mm wide by 285mm deep and 550mm high. According to the applicants Design and Access Statement "*The number of units has been devised to minimise their impact. Each condenser can deal with a number of rooms, so nine units handle the heating/cooling for all of the rooms*".
12. Upon undertaking a site visit, the case officer noted that several other air conditioning units were noted on other buildings within the locality and are increasingly a typical feature across the district. Consequently, air conditioning units are not an unusual or alien feature within the street scene or the general vicinity, particularly in commercial areas. It is considered that the proposed air conditioning units are of a conventional design; however, whilst they are of no particular

architectural merit, nevertheless plant equipment of this type is a typical feature commonly associated with commercial/leisure buildings.

13. Furthermore, the location of the proposed plant equipment will be screened to a large extent behind existing vegetation, and they will also be obscured (to a large extent) by an existing outrigger attached to the side of the applicant's building which will help to screen the units from wider public view. Therefore, the existing boundary treatment and the location of the outrigger will help to mitigate any negative externalities associated with the proposal. Consequently, the impact on the public realm will be limited.
14. Overall, it is considered that the proposed air conditioning units will not appear overly conspicuous, and they are a typical feature associated with this type of use. The units will not appear overly stark and will not cause any demonstrable harm to the character and appearance of the streetscene and as such the proposal complies with policy DM1 of the Development Management Plan and CP1 of the Core Strategy.

Impact on Residential Amenity

15. 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.
16. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
17. The NPPF states at para. 180 planning policies and decisions should contribute to and enhance the natural and local environment criterion (e) stipulates "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution". Furthermore, para. 191 states Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

18. The case officer notes that the location of the proposed plant equipment is located adjacent to a commercial unit and there are numerous other commercial/retail units within the immediate vicinity. The case officer also noted that the application site is sandwiched between the A127 Southend Arterial Road to the south and Brook Road to the north with the nearest residential homes just beyond. Consequently, the ambient noise levels in the locality given the existing uses, are already quite high. Nevertheless, the case officer noted that located approximately 50m to the north of the application site were a number of residential properties.

19. To accompany the planning application a Noise Impact Assessment has been produced by Scotch Partners and is dated 15th March 2024. The report concludes: -

“An external noise survey has been conducted at the site, and the measurement data have been used in conjunction with planning guidance from Rochford District Council and good practice guidance to establish noise emission limits at nearby neighbouring properties.

Noise emission from the proposed plant is expected to have a “low impact” on the neighbouring residential properties, based on the guidance presented in BS 4142. Noise from the proposals is therefore expected to satisfy Rochford District Council’s anticipated requirements.

In order for the proposed items of plant to achieve the Premier Inn criterion for building services noise levels in guestrooms, it is recommended that mitigation measures are installed. The recommended measures include an open-faced acoustic enclosure, and an acoustic screen, which may be installed as a retrofit measure”.

20. The case officer is aware that several letters of objection have been received from objectors residing in residential properties in closest proximity of the site. The objectors are concerned about noise being emitted from the plant and this having a detrimental impact upon their residential amenity.

21. Therefore, given the concerns raised and to assess and scrutinize the accompanying Noise Impact Assessment, the case officer considered it

prudent to consult colleagues in Environmental Health regarding the proposal. The Councils Environmental Health Officer (EHO) states *“The Noise Impact Assessment produced by Scotch Partners, dated 15/03/2024, is considered acceptable in respect of the ACUs at both locations”*. However, the EHO does state *“should the applicant choose to install an acoustic barrier on the eastern façade now – or at a later date – (see 5.3.4. and figure 5-4 on page 18) then an additional absorptive material should be applied to its full northern-facing side so as to counteract the effects of introducing a reflective surface which would otherwise be to the detriment of 3 Weir Gardens”*, it is considered that this particular issue is hypothetical but will be covered by an informative, in the event that planning permission is approved.

22. In conclusion, the EHO has reviewed the submission information and concludes there would be no unacceptable impact on residential amenity attributable to the proposal. The case officer agrees with the EHO assessment and considers that there is no reason for the Local Planning Authority to take an alternative view.

Car Parking

23. The proposed development would not have a material impact upon the current parking on site and would therefore not be considered to result in highway or transport issues.

Air Quality Management Area

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

Ecology & Trees

25. There are no trees or ecology located on the site that would be impacted by the proposal.

CONCLUSION

26. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Rochford District Council Environmental Health Officer (Consultant) : The Noise Impact Assessment produced by Scotch Partners, dated 15/03/2024, is considered acceptable in respect of the ACUs at both locations. However,

please note that, should the applicant choose to install an acoustic barrier on the eastern façade now or at a later date (see 5.3.4. and figure 5-4 on page 18) then an additional absorptive material should be applied to its full northern-facing side so as to counteract the effects of introducing a reflective surface which would otherwise be to the detriment of 3 Weir Gardens.

Neighbour representations:

Two responses have been received from the following addresses:

St. Martins Close: 17 and 18.

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

- The noise from these units (having experienced noisy a/c in the past) will cause us stress and anxiety;
- The noise pollution will have a detriment impact on our residential amenity;
- The proposal will have a detrimental impact on our mental health;
- We bought our property with the knowledge of noises from the A127, during the peak times, but don't intend on having the peace of our garden, or the tranquil environment of our bedrooms, to be marred by the undertones of the units;
- Aircon is used largely in the summer, when we have our windows open day and night;

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) – policies CP1

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

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

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plan numbered 09123-HBA-LOC Revision D (as per date stated on plan 8th January 2024) and 09123-HBA-02 (as per date stated on plan 8th January 2024).

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

3. The installation of the equipment must be in accordance with the manufacturer's specifications and in accordance with the Noise Impact Assessment produced by Scotch Partners dated 15th March 2024.

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

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

Application No :	24/00108/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	78 Folly Lane Hockley Essex
Proposal :	Demolition of existing dwelling and construction of 3 new dwellings with associated parking, garage and landscaping. New vehicular access onto Folly Lane.

SITE AND PROPOSAL

1. The application site constitutes a corner plot located to the north aspect of Folly Lane at its junction with Pond Chase, a private access road which serves recently established residential development positioned north and to the rear aspect of the application site. The site is currently occupied by a large detached two storey property which occupies a central position within the plot frontage but set back approximately 9.5 metres from the edge of the highway with parking provision within the frontage of the site which is screened from Folly Lane by a brick boundary wall. Located towards the rear of the site is a swimming pool and several outbuildings, which all appear to be a poor state of repair. The garden itself was overgrown at the time of the case officers site visit. There were numerous trees located around the periphery of the

plot and two of these trees located adjacent to Pond Chase are protected by a Tree Preservation Order (TPO). These trees are located wholly within the residential curtilage to the existing dwelling. The shape of the plot is roughly rectilinear in form and measures approximately 63m long by 24m deep (at the widest points) and the site area is 1603m².

2. The western side boundary is demarcated by Pond Chase which is a private road and serves a relatively modern housing development, which is located to the north and north west of the application site. Directly on the opposite side of Pond Chase adjacent to the applicant site are four large modern properties, which are similar in scale, mass and design to the current proposal. Immediately to the east of the application site is a two storey detached property, which is located within a large residential curtilage.
3. The current access points will be permanently closed and a more central point relative to the proposed site frontage is proposed. The existing property and associated outbuildings and swimming pool will be demolished and the majority of the land cleared. A number of trees which are located within the plot will be retained (see later in report) and 3 new dwellings with associated parking, garage and landscaping are proposed in this application.

RELEVANT PLANNING HISTORY

4. Application No. 00/00459/FUL - Erect Rear Conservatory – Approved - 24.07.2000.
5. Application No. 23/00430/FUL - Erection of 4 x detached, 5-bed dwellings with associated parking, garage and landscaping, involving demolition of existing dwelling – Withdrawn - 19.12.2023.

MATERIAL PLANNING CONSIDERATIONS

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

Principal of Development

8. The site is located within a residential street which forms part of the settlement of Hockley and within a vicinity which is characterised by residential development which varies in density and design. There is a certain degree of uniformity in the pattern of the built form along Folly Lane in terms of layout and spacing and the degree of set back from the highway with characteristic frontage parking and rear amenity areas of varying plot widths and depths. Although this development would result in more residential development being accommodated within the site as edged in red on the submitted plan, subject to alignment with national planning policy as cited by the National Planning Policy Framework (NPPF) (December 2023) and the Council's policies and supplementary planning guidance relating to design and layouts, floor space standards, parking provision, and safeguarding amenity – the default position is that of a presumption in favour of sustainable development.
9. Furthermore, the increased emphasis within the National Planning Policy Framework on the efficient use of land to deliver housing brings to bear a greater degree of material weighting which must be given to this consideration. As a matter of policy and principle there is no presumption against the development proposed, which planning policy at national level and as reflected by local policy, proactively encourages providing that any impacts are considered acceptable or can be mitigated if necessary, by condition.
10. The siting of new dwellings within such locations are acceptable providing that development can be demonstrated to comply with all relevant planning policies, including the provisions and criteria set out by the council's Local Development Framework's Core Strategy policies H1(The efficient use of land for housing) CP1 (Design) and the Local Development Plan policies DM1 (Design of New Developments) and DM3 (Infilling and Residential Intensification) together with the Framework's Supplementary Planning Document (SPD) 2 relating to House Design (which guide the principles of appropriate design in relation to its contextual setting) and the Governments Technical Guidance relating to floor space standards

Overview

11. As previously attested to the NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good

design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.

12. The NPPF also advises that planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
 - f) 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

13. 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.

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

15. Policy CP1 of the Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
16. In the context of its layout, it is not considered that the development proposed is inconsistent or incompatible with the layout and pattern of the existing built form within the street scene. To this end, the applicant has submitted a full planning application and the proposal involves the erection of three dwellinghouses following the demolition of the existing property and its associated outbuildings and swimming pool. The two dwellings to the front of the site (Plots 1 and 3) would be orientated with their front elevations facing Folly Lane and set back from that highway by approximately 6.9m increasing to 8.4m. The case officer noted the building line in the immediate area is not regimented and some properties are set further back into their plots as opposed to others, for example, No.93 is set back 5.6m (approx.) from Folly Lane, whilst No.83 is set back roughly 10.4m.
17. According to the submitted plans there will be a central access which separates and between plots No.1 and No.3. The access will culminate in a turning area and detached double garage which will serve plot No.2, which is situated towards the rear of the site. It is noted that the proposed plots 1 and 3 will stand forward of the front elevation of the neighbouring property located towards the east of the application site. It is noted that part of the flank elevation of plot No.3 is situated in close proximity to this boundary, which is not a dissimilar existing arrangement to the street generally. This feature of the building indicates an integral garage feature allowable to extend to the boundary under the Council's guidance but because it would be undersize in comparison to the Council's parking standards is identified as a store and is not relied upon to meet the required parking provision.
18. It is acknowledged that plots No.1 and No.3 will be located closer to the west and east frontage boundaries as compared to the existing circumstance. However, it is not considered spatially that this layout is at odds with the prevailing character of built form within the wider street scene such that the development by reason of layout, would harm the character or visual amenity of the area. According to plan reference 201 Revision P7 the site frontage of the proposed development measures approximately 9.6m (plot No.1) and 9.3m (plot No.3) in width and as such the proposal complies with the aforementioned policy. The entire frontage of the plot (including the central access road) measures approximately 23.1m. As previously mentioned, the front elevations of plots No.1 and No.3 will directly face Folly Lane and this will create an

active frontage. Located at the front of each of the properties will be an extensive area of hardstanding, which will be used for parking. Whilst at the rear of each these proposed properties will be a substantial garden, which will be enclosed by boundary fence (to be conditioned in the event that planning permission is approved).

19. Located towards the rear of the site is plot No. 2 which is a large detached property. This property is at a 90⁰ angle in relation to Folly Lane. The flank elevation of the proposed dwellinghouse will face Folly Lane, whilst the front elevation will face Pond Chase. Separating the rear garden of plot No.3 from the flank elevation of plot No. 2 is a relatively large turning area and detached double garage. The private amenity space of plot No.2 is in the shape of a letter 'L' and wraps around the rear and side of this dwellinghouse. The flank elevations of this property are set more than 1m off the boundary delineating the plot and as such the proposal complies with the aforementioned policy.
20. Additionally, in terms of housing need, the Council has an up to date 5.15 year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.
21. In concluding on the matter of layout, despite the fact that the large plot is being subdivided into three, given its current width and depth and its relativity to other properties in the immediate locality, it is not considered that the character of the area or the visual amenity of the street scene would be significantly affected by the proposed development. The proposed layout will be consistent with and will preserve, the prevailing development pattern characterised by dwellings being orientated with their front elevations facing the respective highway and set back within their plot relative to respective public realms consistent with the current layout arrangements. The development is therefore considered acceptable.

Design

22. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
23. 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.

24. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
25. Visually, built form along Folly Lane takes a number of varying forms from semi-detached one and a half storey pairs of semi-detached dwellings configured within narrow plots to two storey dwellings. Dwelling heights and material appearance also vary from dwellings incorporating render finishes, relatively low wall elevations and low eaves heights, incorporating a mix of hipped roofs and dormers often giving those dwellings a 'heavy' appearance. Other dwellings are two storey incorporating both hipped roofs and traditional pitched roofs giving rise to traditional gables, whilst materials range from render and brick to tiled and synthetic slate roofs with a predominance of synthetic windows and doors including the use of uPVC and composite materials.
26. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
27. According to plan reference 204 Revision P4 both plots No.1 and No.3 will have a roughly rectilinear footprint. Each of the units will measure approximately 12.7m deep by 8.4m wide and they will be roughly 5.5m high to the eaves and 8.9m high to the apex of the pitched roof (the proposed dwellinghouses are commensurate in height to the relatively recently approved dwellinghouses located on the opposite side of Pond Chase (20/00566/FUL)). The proposal will incorporate a hipped roofscape with projecting gable to help break up the scale, bulk and massing of the buildings. The applicant is also proposing to use various sized apertures on the elevations (some of which will be articulated with soldier courses) in order to help alleviate the scale and massing of the proposed development. Furthermore, the applicant is proposing to utilise a relatively simple palette of materials including facing brick under a concrete tile roof, which would be in keeping with the local vernacular and as such will not appear out of place. The dwellings would also be located in quite large plots and as such they will not appear overly cramped.
28. According to the submitted plans the ground floor accommodation will comprise store, hall, lounge, utility, w.c. and open plan kitchen/dining room and will have a footprint of approximately 101m². Whilst the first floor will comprise three bedrooms (one will incorporate a dressing room and en-suite bathroom), store, landing, and family bathroom with a floor area of roughly 91m². The second floor accommodation within the roofspace will consist of two bedrooms, bathroom, landing and

store with a floor area 39m² (cumulatively the floor area will be roughly 226m²).

29. According to plan reference 205 Revision P6 plot No.2 will also have an elongated rectilinear footprint and measuring approximately 14.7m long by 9.1m deep (as measured at the widest points) and roughly 5.4m high to the eaves and 8.9m high to the highest part of the roof. Again, the proposal will incorporate a hipped roofed design with projecting gable element which helps to break up the scale and massing of the proposal.
30. Internally the property will comprise formal lounge, formal dining room, store, utility, w.c., hall and open plan kitchen/lounge/dining room. The first-floor accommodation will consist of three bedrooms (one will be en-suite with a dressing room), store, landing and family bathroom. The second-floor accommodation within the roofspace will consist of two bedrooms and a bathroom. It is not considered from a spatial perspective that the proposed development will constitute a discordant visual element or influences within the wider street scene. The heights and massing of the proposed dwellings are not as such that the development will appear excessive or dominant by reason of scale.
31. The proposed detached double garage will be located towards the rear of plot No.3 and will have a rectilinear footprint. According to plan reference 206 Revision P7 the proposal will measure roughly 6.3m long by 7m wide, 2.2m high to the eaves and 4.8m high to the highest part of the roof. Located on the front elevation will be two sets of garage doors. No other apertures are proposed. The garage will be constructed out of facing brick under a concrete interlocking tile roof. Situated at the front of the garage will be area of parking, which can accommodate 2no. vehicles. It is considered that the proposed garage is similar to other types of development within the locality and will not cause any demonstrable harm to character and appearance of the streetscene.
32. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwellings will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Core Strategy.
33. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellinghouses is quite modern and contemporary in nature. Furthermore, it is reasoned that the design of the proposed dwellinghouses is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way, it would not be considered to

be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwellings will be 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

34. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
35. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
36. It has been accepted that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
37. Para 7.1 of the Councils SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
38. The proposed development would result in the replacement of a large detached two storey house with three 2.5-storey dwellings. The impact of three houses would have a greater sense of dominance upon neighbouring occupiers, in terms of the outlook from their own properties and the sense of privacy that they currently encompass.

39. The application site is flanked by several neighbouring properties. Located to the west of the application site are no's 1 to 4 Folly Place, which are modern group of large detached properties. Immediately to the east is a detached two storey property and to the north and north west are other residential properties.
40. According to the submitted plans plot No.1 is roughly parallel to No. 2 Folly Place. Whilst the front elevation of plot No. 3 will face the front elevations of Nos. 3 and 4 Folly Place. According to the submitted plans there is a distance of approximately 9.4m separating the flank elevation of plot No.1 from the flank elevation of No. 1 Folly Place. In relation to plot No.3 there is a distance in excess of 20m separating the front elevation of the proposed dwellinghouse from Nos. 3 and 4 Folly Place. The case officer also noted that separating the application site from the properties at Folly Place was Pond Chase, which serves a residential development towards the north of the application site. It is considered given separation distances will help to mitigate any negative externalities caused by the proposed development. Overall, it is not considered that the proposed development will cause any demonstrable harm to the residential amenities of these property by loss of privacy, overlooking, over shadowing or over domination.
41. Turning to the two storey detached dwellinghouse, which is situated immediately to the east of the application site. The case officer noted that there were no windows in the gable of this property which overlooked the application site. The case officer noted that there was a small window at ground floor level on the flank elevation of plot No. 3 which according to the submitted plans serves a utility room. It is considered that the boundary treatment which will be conditioned if planning permission is granted will help to alleviate any problems associated with this window. The plans show two windows at first floor level (1No. window will serve a bathroom and 1No. will be secondary window serving a bedroom). The case officer considers it prudent to attach a condition stipulating that these windows shall be obscurely glazed, which will help to prevent any overlooking or loss of privacy. The rooms in the second floor are all served by roof lights and as such will not cause any demonstrable harm.
42. Turning to plot No.2 the rear elevation of this property will face the flank elevation of a pair of semi - detached properties, which are located immediately west of the application site. These properties are identified as Nos. 1 and 3 Pond Chase. There is a distance of approximately 9m separating the rear elevation of plot No.2 from the flank elevation of the neighbouring property (No.1 Pond Chase). The case officer noted that there was a small obscure window in the side of the elevation of the neighbouring property (No.1 Pond Chase) at first floor level facing the application site. According to the submitted plans the proposal will incorporate one window in the rear elevation which will serve a bathroom. It is not considered that the proposal will result in the loss of any privacy or any undue overlooking. Furthermore, the applicant is

proposing to retain a number of trees/shrubs which are located adjacent to this boundary. It is considered that this landscaping (which will be conditioned) will also help to ameliorate any negative externalities.

43. The case officer has also assessed the proposal against the 45-degree test as outlined within the Council's SPD2 in relation to the adjoining neighbouring site. It has been ascertained that the proposal would comply with the 45-degree test. As such the proposed dwellings would not be considered to result in excessive levels of overshadowing to a degree which could be considered unreasonable.
44. Located to the north of the application site is No. 13 Pond Chase, which is a two storey end of terrace property. The case officer noted that separating this property from the application site was an access road which serves Nos. 1 to 11 Pond Chase. In addition, it is apparent that No.13 is set further forward into its plot in relation to the proposed dwellinghouse (plot No.2). There is a distance in excess of 13m separating this property (No.13) from the proposal, which help to mitigate any problems. Located on the flank elevation of the proposed dwellinghouse would be a set bi-fold doors and a secondary window serving a kitchen area. There is another window proposed at first floor level which is a secondary window serving the master bedroom. No other apertures are proposed on this elevation. The proposed fenestration would not result in significant overlooking that would be uncommon for the built-up residential context in which the application site is located. The first-floor windows would look onto the amenity spaces of neighbouring dwellings as opposed to directly into windows which is what Policies DM1 and DM3 seek to safeguard against.
45. It is not considered that the proposed development would result in an unreasonable degree of harm upon neighbouring occupiers. The proposed scale and siting of the development would be appropriate in terms of the impact upon neighbouring properties and as a result, the proposal would not be considered to result in detrimental harm upon residential amenity in accordance with Policy DM1 and DM3 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Size

46. 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.
47. The Council's guidance in SPD2 requires the provision of a minimum useable private garden area for new dwellings of 100m². An exception for this is one and two bedroom dwellings where a minimum private

garden area of 50m² is considered acceptable when the second bedroom is not of a size that would allow subdivision into two rooms.

48. The proposed development would erect three 5-bedroomed dwellings. The garden areas for the proposed dwellings would each measure 104 sq. metres in respect of plot 1, 297 sq. metres in respect of plot 2 and 121sq. metres in respect of plot 3 and each over the 100m² required and would be compliant with SPD2.

Technical Housing Standards

49. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
50. 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.
51. 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.
52. A two storey dwelling which would comprise of five bedrooms accommodating either six or seven people would require a minimum Gross Internal Floor Area (GIA) of 110m² or 119m², respectively. Additionally, the dwelling must have a minimum of 3.5m² 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 each of the proposed dwellings will measure in excess of 226m² and way in excess of the minimum required.

53. The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot 1		Plot 2		Plot 3	
Bedroom No.1	23m ²	Bedroom No.1	19.1m ²	Bedroom No.1	23m ²
Bedroom No.2	15.6m ²	Bedroom No.2	12m ²	Bedroom No.2	15.6m ²
Bedroom No.3	13m ²	Bedroom No.3	12.6m ²	Bedroom No.3	13m ²
Bedroom No.4	14m ²	Bedroom No.4	12.2m ²	Bedroom No.4	14m ²
Bedroom No.5	10m ²	Bedroom No.5	7.7m ²	Bedroom No.5	10m ²

54. According to the submitted plans all the bedrooms for all the units comply with aforementioned policies and would exceed the internal floor area required. Furthermore, it was noted that the storage area was approximately 3.5m² for all the plots, which is compliant with the standards advocated within the Technical Housing Standards 2015 document.

55. 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.

56. 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.

Drainage

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

scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Flooding

58. 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 NPPF.

Refuse and Waste Storage

59. 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

60. Policies DM1 and DM3 of the 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.
61. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
62. In accordance with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

63. The proposed layout plan (Plan Reference 201 Revision P7) shows a vehicular access/egress arrangement onto Folly Lane. Furthermore, the layout plans show that a minimum of two car parking spaces can be accommodated at the front/side of the proposed dwellinghouses. Colleagues in Essex County Council Highways Department have been consulted on the current application and state *“The proposal includes the demolition of the existing dwelling, subdivision of the site and provision of three new dwellings. A new shared access is included, and two existing accesses shall be closed. A visitor space is included, and all dwellings will be provided with a minimum of two off-street parking spaces”*.
64. The County Council Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to the need for a construction management plan, the central shared vehicle access to be provided as shown in principle on the planning drawing 22.586 201 Rev P7, no unbound material, the existing and redundant in/out vehicle accesses to the east and west of the site frontage shall be suitably and permanently closed, the dwellings shall be provided with the shared private drive, turning areas, garages and parking spaces, cycle parking, residential travel information pack and standard informatives, which will all be secured by the imposition of appropriately worded planning conditions, in the event that planning permission is approved.
65. It is considered that there is sufficient car parking arrangements and appropriate access to serve the proposed dwellings. In conclusion, the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Trees

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

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

Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental

impact through the replacement of equivalent value and/or area as appropriate.'

67. The case officer noted when he conducted his site visit that located around the periphery of the site were numerous trees and shrubs. A couple of the trees which are located adjacent to Pond Chase are protected by Tree Preservation Order's (TPO) and are situated wholly within the applicant's residential curtilage.
68. The previous planning application (23/00430/FUL) which was subsequently withdrawn was for four properties. After detailed discussions with the Council following concerns raised by the Arboricultural Officer, the number of dwellinghouses has been reduced to three which are subject of this application. These properties have been redesigned and set further away from the trees in order to prevent any potential requests by future residents to have the trees cut back harshly or for them to be removed due to over dominance. In particular the front elevation of plot No.3 has been set back approximately 8.8m from a tree, which is afforded protect via a TPO.
69. The planning application is accompanied by an Arboricultural Report produced by Andrew Day Arboricultural Consultancy and is dated 6th February 2024. The report acknowledges that a number of trees etc. will need to be removed to implement this development in particular T1 to T7, T11, G1 and G2, which are shown on the accompanying Tree Protection Plan. The author of this report indicates that these trees are of low quality and will be compensated for with new planting of trees and shrubs better suited to the site, which will be conditioned accordingly in the event that planning permission is granted.
70. According to the arboricultural report the Root Protection Area (RPA) of T8 (which is a tree protected by a TPO) will be partly occupied by one of the new buildings. However, the report states it would appear that the existing pool and outbuildings has likely prevented roots extending this far so that significant roots will not be impacted. Where deep excavations are required, these are outside of areas where roots are not likely to extend. The report goes on to state that care will be taken when dismantling the pool and outbuildings in the RPA.
71. In addition to the above, a small part of the outer RPA of T8 & T10 (which is the other tree protected by a TPO) will be compromised by the parking area, but hard surfacing is already present in this area. The report states the area to be covered is minimal, the guidance in BS5837:2012 allows for a traditional surface construction to be used. In order to ensure that no significant damage is done to the trees, a No Dig surface construction can be used and protective fencing will be installed. The report concludes subject to the above the proposal is unlikely to have any detrimental impact on the trees shown to be retained.

72. The case officer considered it prudent to consult the Councils Arboricultural Officer. The Councils Arboricultural officer confirms that... *"I have reviewed the plans, it seems the distance is now 8.8m which I think is reasonable and will limit future pressure on the tree from new residents.*

The tree report / method statements / tree protection plan should form part of the approved plans and all trees on site should be protected in accordance with these documents, this should be conditioned if required to ensure compliance".

73. The case officer agrees with the recommendation of the Arboriculturist and will condition the tree protection measures accordingly, should planning permission be approved.

On-site Ecology

74. Policy ENV1 to the Council's Core Strategy advocates the Council will maintain, restore and enhance sites of international, national and local nature conservation importance, which include Special Protection Areas (SPAs) and Ramsar Sites. This is echoed through Policy DM27 where proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. To accompany the planning application a Preliminary Ecological Assessment has been produced by ACJ Ecology and is dated March 2023.

75. As previously stated, the application relates to a relatively large two storey detached dwellinghouse and associated hardstandings. Features are present including an ornamental pond, sheds, patio, greenhouse and swimming pool. At the time of case officers site visit the rear garden was overgrown and the buildings were in a poor state of repair. The submitted report concludes *"The site itself and the habitats found on-site are common and widespread throughout the UK, and the habitats are of limited ecological value and only site value"*. The report goes on to state *"Habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting habitat. Apart from breeding birds and great crested newts, the likelihood of other protected species is negligible, and no further investigation is needed"*. The report makes the following recommendations: -

- A precautionary method statement for great crested newts; and
- A biodiversity impact assessment with any biodiversity enhancement should include native species mixed to improve diversity and adapt to climate change.

Off Site Ecology

76. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two additional dwellings

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

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

- No.

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

- No.

78. 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.

79. 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.

CONCLUSION

80. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council:

Do not object to the planning application but have concerns regarding emergency access to the site and request clarification regarding which trees on the site are covered by a Tree Preservation Order.

Rochford District Council Arboricultural Officer:

I have reviewed the plans, it seems the distance is now 8.8m which I think is reasonable and will limit future pressure on the tree from new residents.

The tree report / method statements / tree protection plan should form part of the approved plans and all trees on site should be protected in accordance with these documents, this should be conditioned if required to ensure compliance.

Essex County Council Highways:

No objection subject to conditions relating to construction management plan, the central shared vehicle access shall be provided as shown in principle on the planning drawing 22.586 201 Rev P7, no unbound material, the existing and redundant in/out vehicle accesses to the east and west of the site frontage shall be suitably and permanently closed, the dwellings shall be provided with the shared private drive, turning areas, garages and parking

spaces, cycle parking, residential travel information pack and standard informatives

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) – CP1, ENV1, T8

Development Management Plan (December 2014) – DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 208 Revision P4 (as per date stated on plan April 2023), 207 Revision P3 (as per date stated on plan April 2023), 206 Revision P4 (as per date stated on plan July 2023), 205 Revision P6 (as per date stated on plan April 2023), 204 Revision P4 (as per date stated on plan April 2023), 203 Revision P7 (as per date stated on plan March 2023), 202 Revision P7 (as per date stated on plan March 2023), 201 Revision P7 (as per date stated on plan March 2023), 200 Revision P7 (as per date stated on plan March 2023) and 000 Revision P1 Location Plan (as per date stated on plan May 2023).

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

3. 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. Development shall be carried out in accordance with the approved details 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 its use, details of the positions, design, materials and type of boundary treatment to be erected shall be 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 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. The developer shall 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. Prior to the first occupation of the development a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted shall be submitted to and approved by the Local Planning Authority, and shall be carried out in the first planting season following the commencement of the development,. 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 in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality.

8. No works or development shall take place before a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 ("Trees in relation to construction – 1990") and BS 3998 ("Recommendations for tree works – 1989"). The approved scheme for the protection of the existing trees shall be implemented in accordance with the details outlined in the Arboricultural Report produced by Andrew Day Revision 2 dated 6th February 2024 before development commences and be maintained in full until the development has been completed.

REASON: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

9. The proposed first floor windows in the flank elevation of plot No.3 facing No. 74 Folly Lane shall remain to 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 for the duration of the development.

REASON: In the interests of safeguarding privacy between adjoining occupiers.

10. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be 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 demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until fledging 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 take place.

REASON: To safeguard protected species especially nesting birds.

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

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

12. No development shall take place, including any ground works or demolition, until details for;
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

REASON: To ensure that the construction traffic is managed and to ensure that on-street parking of these vehicles in the adjoining streets does not significantly occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

13. Prior to first occupation of the development, the central shared vehicle access shall be provided as shown in principle on the planning drawing 22.586 201 Rev P7. The new access shall be 5 metres wide at its junction

with the highway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge. Final layout details to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

14. 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.

15. Prior to first occupation of the development, the existing and redundant in/out vehicle accesses to the east and west of the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

16. Prior to first occupation of the development and as shown in principle on planning drawing 22.586 201 Rev P7, the dwellings shall be provided with the shared private drive, turning areas, garages and parking spaces. Each dwelling shall be allocated a minimum two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

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

17. In addition to condition 9, no development, ground works or demolition shall take place until a method statement for no-dig construction is provided and approved in writing by Rochford District Council for the construction of the parking area within the Root Protection Area of Trees T8 and T10. The parking area shall be constructed as a starting phase of development to provide suitable ground protection for the development access. The finished surface may be left until the end phase of development. The details to be submitted shall be further supported by a statement for arboricultural supervision to ensure compliance during the construction phase with the supply of evidence of photos of the installation.

REASON: To ensure the protection of Trees T8 and T10 and in the interests of the appearance of the development in the locality

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. Mrs. E. P. Gadsdon.

Application No :	23/00792/FUL Zoning : Conservation Area
Case Officer	Mrs Elizabeth Milne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Builders Yard And Store 1 Websters Way Rayleigh
Proposal :	Erection of a 2.5 storey building consisting of 3 x residential units and 2 x office units with associated refuse and cycle storage.

SITE AND PROPOSAL

1. The site is located on Websters Way to the rear of commercial and retail premises on Rayleigh High Street.
2. The site is located within the designated Rayleigh town centre and Conservation Area. It lies to the rear of the main town centre shopping frontage and is accessed from Websters Way which provides service access to town centre retail units and public car parking. The site is a vacant builders yard which is accessed directly off Websters Way. There is a brick and block wall along the boundary with the service road. There are two mature trees comprising an ash and goat willow, adjacent to the wall covered by a Tree Preservation Order.
3. The proposal is to construct a 2.5 storey building comprising three residential units, two office units and associated refuse and cycle storage. The proposed building would have a height to the ridgeline of some 9.12m, a width of some 12.5m and a depth of some 9.2m. The proposal includes closure of the redundant dropped kerb, an extension to the footway across the site frontage, a new vehicle access and provision of a delivery parking space at right angles to the highway. The design and access statement submitted sets out that the proposed building would follow a traditional Victorian Warehouse style.
4. The ground floor would benefit from large timber framed windows maximising light into the office space. Traditional sash windows are proposed to the first floor, with dormers to the front and rear elevation proposed to the second storey along with an additional rooflight to the rear elevation.
5. A cycle and refuse store is proposed to the rear of the site, with landscaping proposed to the front elevation along with one parking space for deliveries. The residential units would be accessed from the front elevation, with an access to the rear for use by the proposed ground floor office units along with the bin and cycle store.

RELEVANT PLANNING HISTORY

6. Application No. 24/00017/FUL. First floor side extension to provide a WC for the building. New external staircase will be erected to provide safe access to the first floor. The use of the building will remain as existing, currently providing a workshop, store and ancillary office space. Approved.
7. Application No. 23/00787/FUL. Ground floor to remain as existing use. Small side extension to the first floor that will act as an entrance to the proposed office space. Refused 13th December 2023.
8. Application No. 17/00453/OUT. Outline application for proposed two storey extension to existing building and construction of two storey building to provide 2 x two bedroomed flats. Change use of existing building from storage to one bedroomed detached house. Create parking and amenity area to serve new dwellings. Approved.
9. Application No. 14/00603/OUT Extension to existing building and change of use from store to one bedroom detached house. Construction of two storey building to provide 2 x two bedroomed flats. Create parking and Amenity area to serve dwellings. Remove Goat willow and Ash trees which are subject to TPO's and replace with approved alternative trees. Approved.
10. Application No. 14/00147/OUT Outline Application for Proposed Two Storey Extension to Existing Building and Change Use From Storage to One Bedroomed Detached House. Construction of Two Storey Building to Provide 2 x Two Bedroomed Flats. Create Parking and Amenity Area to Serve New Dwellings. Refused 14th May 2014.

MATERIAL PLANNING CONSIDERATIONS

11. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
12. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
13. The site is within the Secondary Shopping Frontage Area, Conservation Area and Rayleigh Town Centre where various local planning policies require consideration alongside the National Planning Policy Framework. Policy RTC 4 will ensure that Rayleigh town centre's role as the District's principal town centre is retained through the implementation of an Area Action Plan. Policy 8 of the Rayleigh Area

Action Plan seeks improvements to Websters Way through development which introduces buildings which directly address this key route whilst not undermining the role that it plays in providing car parking and servicing for the central High Street area.

14. The main considerations are whether the development would be an acceptable impact on the conservation area and the town centre, including making a positive contribution to local character and distinctiveness and whether the design and layout would be acceptable in the street scene.

Rayleigh Town Centre

15. The National Planning Policy Framework (NPPF) outlines that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (para.90).
16. Policy 8 of the Rayleigh Centre Area Action Plan is supportive of development on Websters Way subject to the following principles:
 1. Development will be acceptable where it would lead to the creation of additional floorspace for appropriate town centre uses that support the main retail function of the central High Street area;
 2. Development at the rear of existing properties will be acceptable where this would not have an undue negative impact on the operation of units fronting the High Street, the safety and operation of Websters Way or the levels of town centre car parking;
 3. Opportunities to make better use of and deliver environmental improvements to the lanes between Websters Way and High Street will be supported. In particular, the lane alongside The Spread Eagle Pub has the potential to provide flexible space for temporary and pop-up retail stalls and events;
 4. Pedestrian links within the AAP area, including those between the central High Street area and the Websters Way car park, and across Rayleigh, including to King George V Playing Fields, should be strengthened; and
 5. Development should not result in an overall loss of public parking in this area which plays a critical role in supporting the vitality and viability of the businesses in the town centre.
17. The proposal would provide two office spaces and three residential units within Rayleigh Town Centre. Additional floorspace for office use and residential units are considered appropriate town centre uses which would support the main retail function of the high street by bringing in more customers by way of the proposed building.

18. It is not considered that the proposal would have an undue negative impact on the operation of units fronting the High Street, the safety and operations of Websters Way or the levels of town centre parking. The proposal is for a car free development and therefore the access road adjacent to the site would not be unduly impacted by way of increased vehicle movements. One delivery space is proposed however this is proposed to the site frontage away from the access road. The overall scale of development is such that it would not give rise to a significant impact on the levels of town centre parking. Furthermore, the application site is a vacant builders yard and there would be no loss of public parking by way of this proposal.
19. The application includes an extension to the footway to the north of the site to extend across the site frontage, therefore providing improvements to the pedestrian links and ensuring that pedestrian access would be retained along the site frontage.

Impact on Character

20. In accordance with the NPPF new development should enhance the character and appearance of heritage assets, including conservation areas. Sites should be put to viable use consistent with the conservation of the asset. The site at present does not make a positive contribution to the Conservation Area and new development would provide the opportunity to enhance the appearance of this part of the town centre.
21. The Rayleigh Conservation Area Appraisal and Management Plan identifies Websters Way in failing to acquire any streetscape that could be considered attractive and that it is the most problematic part of the Conservation Area. It particularly identifies the area around the application site as being a hotch-potch of flat roofed sheds and car parks, lacking any coherent grain or relation to the frontage.
22. The site is located within the Websters Way character area of the Rayleigh Conservation Area. The scale of the proposed development is considered to be appropriate in the locality. A heritage statement accompanies the proposal. During the process of this application revised plans have been submitted in order to address concerns highlighted by Essex County Council's Historic Buildings adviser.
23. The revisions have included the removal of rooflights to the front elevation to be replaced with dormers, and the replacement of uPVC windows with traditional sash and timber framed windows. Following subsequent review of the site and surrounding area it was considered that the outstanding concern relating to the proposed crown roof could be overcome. The proposed crown roof would result in a low level of harm that would be outweighed by the positive contribution of the scheme to the area, which is described in the Rayleigh Conservation

Area Appraisal and Management Plan as 'failing to acquire any streetscape that could be considered attractive'.

24. Following the revisions made to the plans, it is considered that the proposal would form an acceptable addition to the Conservation Area and is considered acceptable.

Impact on Residential Amenity

25. The proposed 2.5 storey building would be located in close proximity to commercial units and it is not considered that the proposed development would be detrimental to the occupiers of any of these neighbouring commercial units. Opposite the site is a health centre which would face the application site, separated by the highway. It is not considered that the proposal would significantly impact upon this site.
26. The rear elevation of the proposed building would face the rear elevations of the properties along the High Street, some of which can be assumed to have residential units at first floor level. There would be a separation distance of some 30m between the rear elevation of the proposed building and the nearest first floor unit, it is not therefore considered that this would lead to an unacceptable degree of overlooking or loss of privacy by way of this proposal. A neighbour letter has been received from the occupier of 21a High Street regarding a loss of light to the bathroom window. Due to the separation distance between the proposed building and the rear elevation of 21a High Street and that the bathroom is not a principal living room, it is not considered that this would significantly impact upon the property in order to justify a reason for refusal.
27. The proposed residential units have been proposed without the provision of private amenity space. The Council's Supplementary Planning Document 2: Housing Design sets out guidance for provision of minimum garden areas. For flats, the standard is a minimum balcony area of 5m², with the ground floor flat having a minimum patio garden of 50m²; or the provision of a useable communal residents garden on the basis of a minimum area of 25sq m per flat. To the rear of the building is a small courtyard however this has no specific designation to a particular unit. The site is located in close proximity to King George V Playing Field and it is considered that due to the town centre location and nearby facilities, that the lack of private amenity space provided can be overcome by the proximity to public open space.

Sustainability

28. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards such that now planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing

standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

29. 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.
30. Policy DM4 requires new dwellings to meet minimum internal space standards, However, until such a time as existing Policy DM4 is revised, this policy must now be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
31. The proposed residential units would comprise two one bedroomed, 1 person units and one two bedroomed, 4 person unit.
32. The two one bedroomed units would have a gross internal floor area of some 42sq metres therefore exceeding the minimum gross internal floor space for this type of unit of 39 sq metres. The flats would be provided with the required 1 m2 built-in storage.
33. The two bedroomed, 4 person unit has a gross internal floor area of some 72 sq metres. The minimum gross internal floor space for such a unit is 70 square metres which would be exceeded slightly as the flat would have a gross internal floor area of approximately 72 square metres. The flat would be provided with the required 2 m2 built-in storage.
34. 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 is recommended to ensure compliance with this Building Regulation requirement.
35. 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.

Trees and Landscaping

36. There are two mature trees on the site comprising an ash and goat willow, adjacent to the wall covered by a Tree Preservation Order. The Council's Arboricultural Officer has been consulted and confirmed that the removal of the two trees subject to a TPO would be acceptable, provided that the trees are replaced by suitable species and specimens in order to provide the amenity value that the existing trees provide to the street scene, particularly the goat willow. Additional landscaping is also proposed to the frontage of the site and in total four trees are shown on the layout plans.
37. The Council's Arboricultural Officer has confirmed that it has been determined previously that the willow makes a positive contribution to the area. It is however considered that this could be restored with suitable replacement planting as the tree is not a large specimen and is likely to require future management. The tree should only be removed, however, if suitable replacement planting can be provided.
38. Due to the current amenity value provided by the existing mature trees it is considered reasonable to require the proposed trees to be provided in upright form, and a pre-commencement condition has been included in order to address this.
39. The development offers scope for landscaping along the site frontage in addition to the enclosed area to the rear of the building. Further detail relating to this matter is recommended to be covered by a planning condition.

Refuse and Recycling

40. The current proposal would see the bin store positioned in the north western corner of the site. Details of the proposed bin store have been provided (drawing No. 204) and this provides covered storage for 4 No. bins for which there is an access down the north western boundary of the site. This position is appropriate to enable collection and the size would be adequate to cater for the number of flats proposed.

Sustainable Design and BREEAM

41. The application has set out that the proposed development will seek to provide a highly sustainable scheme. The principles set out by the Council's Local Development Framework's Core Strategy Policy ENV10 (BREEAM) require all non-residential developments to meet the BREEAM assessment criteria. Whilst the importance of building environmentally sound developments is acknowledged, the Council would need to be careful in not wanting to make development unviable through the imposition of overly onerous standards. As such, whilst a BREEAM rating of excellent will be encouraged, a rating of at least 'Very Good' will be required.

Parking Provision, Cycle Space & Access

42. The Council's parking policy is set out in policy DM30 which cross references to the parking standards contained within 'Parking Standards: Design and Good Practice Supplementary Planning Document (Adopted December 2010). This is applied to all new developments.
43. A zero-parking standard has been applied for the residential units. Rochford District Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development." The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Rayleigh's facilities. The site is located in an area that provides good local transport. A bus stop is located slightly north of the site some 48 metres away. The train station is approximately 0.5 miles away from the proposed site.
44. The site is considered to be in a sustainable location due to the frequent public transport available along with the availability of Websters Way public car park which is located in close proximity to the site, some 40 metres south west of the site, although it is intended that the development and location should discourage the need for car ownership. The site is also located in close proximity to Rayleigh High Street which provides numerous amenities within walking distance of the site.
45. The proposal would provide 8 secure sheffield cycle stands, one allocated to each studio apartment, two allocated to the 2-bedroom unit and two for each of the ground floor office units. Cycle storage would be located to the rear of the site.
46. It is considered that due to the sustainable location of the site in walking distance to the High Street and public transport, that the proposal would be acceptable in this location.

CONCLUSION

47. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council:

Based on the information provided to this Planning Committee, Rayleigh Town Council does not object to this planning application based on the information provided however the Town Council does have concerns on the mounting pressure on the parking infrastructure.

Neighbour representations:

Five responses have been received from the following addresses:

Henrietta Place, London; Henrietta House
The Pink Toothbrush.
High Street; 21a.

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

- We are the pinktoothbrush night club and there has been a nightclub on these premises for 50 years. By the nature of our business there is loud music/ vibrations and many people in attendance from 10 am till 3pm
- We want to make it clear to any new residents who move in next door to us of potential noise.
- On behalf of an adjacent neighbour, which could potentially be adversely affected, there is concern about the lack of onsite parking provision for the flats and offices. This could lead to visitors/owners/workers of the offices and flats attempting unauthorised parking on the closest roadways and nearby 'driveable' surfaces.
- My bathroom window looks onto that building yard which currently receives a small amount of light at this moment in time anyway, if a building was to be developed in the yard all natural light would be completely eradicated - I know that there is a 'Right to Light Act' that this may cross into.
- Major concern is that a new resident moving into the area may end up filling persistent noise complaints against a nightclub that has been running for 40 years as is a massive part of Rayleigh's history
- Lack of parking could lead to use of ramp behind pink toothbrush

Essex County Council Historic Buildings and Conservation (received 10th November 2023)

The application site is considered to make a limited contribution to the significance of the Conservation Area and there is no in principle objection to the redevelopment of the site. However, there are concerns upon the proposed building as at present, as it would fail to preserve the character or appearance of the Rayleigh Conservation Area. The overall form is understood to reference industrial Victorian architecture and there is no objection to this approach however the proposed use of a crown roof and rooflights prominently featured upon the front elevation would introduce incongruous architectural elements into the Conservation Area. The significance of the Rayleigh Conservation Area is partly expressed by its architectural interest and the contribution of the surviving historic building stock within it, including the traditional forms of architecture and construction seen throughout. The use of dormers upon the front elevation would be more sympathetic however the quantity should be restrained.

It is noted that UPVC windows and doors are proposed and typically the introduction of UPVC is resisted within Conservation Areas. I do consider that details of the proposed materials could be secured by condition however it would be beneficial at this stage to confirm the use of traditional and high-quality materials.

To conclude, there is no in principle objection to the redevelopment of the site however the proposals at present are considered to fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF the harm is 'less than substantial', Paragraph 202 being relevant.

Essex County Council Historic Buildings and Conservation (received 20th March 2024)

This advice follows-on from previous consultations from Place Services dated 10th November 2023 and 7th March 2024.

On review of the updated documents, please find my advice set out below. It has previously been outlined by Place Services that the proposed use of a crown roof would introduce an incongruous architectural element into the conservation area. The applicant has provided information illustrating other examples of crown roofs within the conservation area; however, it is considered that the small number of crown roofs present do not contribute to or form part of the overall character and appearance of the conservation area. It is maintained that the use of a crown roof would not be in keeping with the special interest of the conservation area.

The applicant has removed several of the rooflights to the front roofslope and replaced with two dormer windows, in line with previous advice. This is an improvement to the scheme and more sympathetic to the conservation area. It is noted however that one rooflight remains to the front roofslope. It is considered that this should be omitted as it would not be in keeping with the character and appearance of the conservation area.

The revised drawings include two balconies to the first floor of the front elevation, above the shopfronts. These additions would be incongruous elements within the conservation area, which would be visually prominent and detract from the character and appearance of the conservation area, causing harm to its significance.

It is acknowledged that the drawings have been updated to detail 'traditional' sash windows. It should be confirmed what is meant by this ie. what material is proposed for the windows. It should be noted that windows should be timber or metal within the conservation area. Furthermore, the drawings state that the shopfront windows would be uPVC, which would not be an appropriate material within the conservation area. All the windows should be of the same material.

In conclusion, there is no in principle objection to the redevelopment of the site. It is considered, however, that the revisions to the scheme have not gone far enough to address the comments outlined within our previous advice. Therefore, considering all the elements outlined above, the proposals in their current form would fail to preserve or enhance the character and appearance

of Rayleigh Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the harm is less than substantial, therefore Paragraph 208 is relevant.

Essex County Council Highways

A zero-parking standard has been applied for the residential units. Rochford District Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development." The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Rayleigh's facilities, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first occupation of the development, and as shown in principle on planning drawing 201 Rev P3, the new vehicle access to the delivery space shall be provided in alignment with the space at 3.6 metres wide at its junction with the highway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed with the Highway Authority. *

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

2. Prior to first occupation of the development, as shown in principle on planning drawing 201 Rev P3, the existing redundant dropped kerb shall be closed, and the footway (with full height kerbs) shall be extended across the site frontage to the southwest of the new access. The footway shall be constructed at a minimum depth of 2 metres for its entire length. All such works are to be provided entirely at the developer's expense. Surfacing and full layout details to be agreed in writing with the Highway Authority prior to commencement of any highway works. *

Reason: To make adequate provision within the highway for pedestrians and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety in accordance with policy DM1.

Note: If deemed appropriate by the Highway Authority, provision shall be made in a suitable location for a pram crossing within the footway.

3. 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.

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

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

5. 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.

Rochford District Council Arboricultural Officer

It has been determined previously that the willow makes a positive contribution to the area. That said the amenity could be restored with suitable replacement planting as the tree is not a large specimen and is likely to require future management as willow have a tendency to break out etc due to wind load. That said it should only be removed if suitable replacement planting can be provided.

The tree planting in my opinion should be moved / improved into the hard surfacing and the use of root deflectors and cells should be provided to provide improved rooting environment and allow the replacement trees to be in a position away from the boundary where they can provide improved visual amenity value and allow to grow without causing, or at least limiting, the nuisance / boundary encroachment that may result from the current locations.

The tree report / plan differs from the layout plan, this will need revising if we are to approve the tree report etc. If planning to remove the trees subject to TPO we will need details of the replacement trees; species, size, planting method (soil cells, guying, water capture, etc, after care etc, this can be provided as a condition.

Essex County Council Specialist Archaeological Advice

The Historic Environment Record shows that the proposed development area lies within the medieval historic town extent. There is the potential for archaeological remains to be within the development area.

The following recommendations are in line with the National Planning Policy Framework, paragraph 205.

Recommendation: Full condition

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above

The archaeological work will comprise archaeological trial trench evaluation and excavation. A professional archaeological contracting team should undertake any archaeological work. An archaeological brief outlining the methods of investigation will be issued from this office (on request) and there would be a cost implication for the developer.

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in complete accordance with the following approved plans: Location Plan plan reference 001 (as per date stated on plan 4th November 2022; Block Plan plan reference 002 (as per date stated on plan 4th November 2022); Proposed Plans and Elevations plan reference 201 P4 (as per date stated on plan May

2023), Existing and Proposed Street Scene plan reference 202 P3 (as per date stated on plan 4th November 2022); Existing and Proposed Site Section plan reference 203 (as per date stated on plan 4th November 2022); Proposed Bin and Bike Store plan reference 204 (as per date stated on plan 4th November 2022); Proposed Bin Store Elevation plan reference P6 (as per date stated on plan 4th November 2022);

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

3. No development shall commence, before details of all external facing (including windows and doors) materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

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

4. No development shall commence on site until details of four trees of upright form to be planted on site have been submitted to and approved in writing by the LPA. Details to be submitted shall include;
 - Plans (including tree planting method section plans) showing the specific method of tree planting to be used for each tree including details of soil cells to be used and position and specification of root protection barriers to be installed to protect nearby hard surfaces from root heave.
 - Tree species.
 - Size of specimen to be planted
 - Management plan containing details of watering and other management that will be carried out and who will be responsible for this for at least 5 years following initial planting.

The trees shall be planted in accordance with the approved details prior to first occupation of the development or according to an alternative timetable otherwise agreed in writing by the LPA. Evidence of the use of the approved tree planting method shall be submitted to and agreed by the LPA within 3 months of the planting of the trees. Management of the trees shall take place in accordance with the details in the agreed management plan for at least 5 years following planting.

If within a period of five years from the date of the planting of any tree, that tree or any tree planted as a replacement for it, is removed, uprooted or destroyed, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size

as that originally planted, shall be planted at the same place, in the first available planting season following removal (October to March inclusive).

REASON: To ensure appropriate tree planting in the interests of ensuring the health and longevity of planted trees given the importance of street trees to visual amenity and the requirement for such in the NPPF and given that the trees to be planted would be required to mitigate the loss of established trees at the site which is in the Conservation Area. The condition is required to be a pre-commencement condition as tree planting details may involve the installation of significant extent of soil cells below hard surfaces that will form part of the development and must be agreed prior to the laying of hard surfaces at the site.

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

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard surfaced areas;
 - existing and finished levels shown as contours with cross-sections if appropriate;
 - means of enclosure and other boundary treatments;
 - car parking layouts and other vehicular access and circulation areas;
 - minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);
- shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

6. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority.
7. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

REASON: (conditions 6 and 7) In the interests of the satisfactory recording of the potential archaeology of the site.

8. The development shall meet BREEAM attainment level of 'Very Good'.

REASON: In the interests of sustainability in compliance with Rochford District Council's Core Strategy policy ENV10.

9. Prior to first occupation of the development, and as shown in principle on planning drawing 201 Rev P3, the new vehicle access to the delivery space shall be provided in alignment with the space at 3.6 metres wide at its junction with the highway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed with the Highway Authority. *

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

10. Prior to first occupation of the development, as shown in principle on planning drawing 201 Rev P3, the existing redundant dropped kerb shall be closed, and the footway (with full height kerbs) shall be extended across the site frontage to the southwest of the new access. The footway shall be constructed at a minimum depth of 2 metres for its entire length. All such works are to be provided entirely at the developer's expense. Surfacing and full layout details to be agreed in writing with the Highway Authority prior to commencement of any highway works. *

REASON: To make adequate provision within the highway for pedestrians and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety in accordance with policy DM1.

Note: If deemed appropriate by the Highway Authority, provision shall be made in a suitable location for a pram crossing within the footway.

11. Prior to first occupation, the cycle parking shall be provided in accordance with the Essex Planning Officers Association 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.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

12. Areas within the curtilage of the site for the purpose of the reception and storage of building materials for the duration of the construction period 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.

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

Application No :	24/00135/FUL Zoning : Conservation Area AND Town Centre
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	63 - 65 High Street Rayleigh Essex
Proposal :	Proposed removal of existing external CCTV camera and signage. Removal of external ATMs and the existing apertures to be infilled with marble to match existing. Removal of existing night safe and existing aperture to be infilled with marble to match existing.

SITE AND PROPOSAL

1. The site is located on the eastern side of High Street, Rayleigh. The subject property is 63 to 65 High Street, which is a large prominent 3 storey building constructed partially out of facing bricks and marble façade at ground floor level. The building is flanked on either side by other commercial/retail units, which are relatively modern. Located

directly to the front of the applicants building is layby which can be used for parking.

2. According to the Councils GIS database the application site is located wholly within the Rayleigh Conservation Area. The applicants property was formerly Barclays Bank. The building itself is modern in design terms. Situated to the side of the property is a passageway which traverses the flank elevation of the building linking High Street and Websters Way.
3. The proposal is to remove all existing external CCTV camera and signage, removal of external ATMs and the existing apertures to be infilled with marble to match the existing walling; removal of the existing night safe and existing aperture to be infilled with marble to match the existing walling.

RELEVANT PLANNING HISTORY

4. Application No. 83/00689/FUL - Add portcullis roller shutters to secure rear parking area – Approved - 07.12.1983.
5. Application No. 87/01039/FUL – Second cash dispenser and ancillary alterations to façade – Approved - 26.02.1988.
6. Application No. 88/03005/ADV – illuminated sign to cash dispenser – Approved - 25.03.1988.
7. Application No. 01/00436/ADV - Consent to Display Internally Illuminated Lettering and Projecting Globe Signs – Withdrawn - 24.07.2001.
8. Application No. 02/01117/ADV - Display Two Internally Illuminated ATM Fascia Panel Signs – Approved - 12.02.2003.
9. Application No. 03/01008/FUL - Single Storey Front Extension to Accommodate Disabled Access and Re-positioned ATM – Approved - 27.01.2004.
10. Application No. 04/00855/FUL - Ground Floor Extension to Front of Building. Relocate Existing ATM and New Main Entrance Doors – Approved - 16.11.2004.
11. Application No. 09/00500/FUL - Install One Additional Air Condenser Unit to Rear and One Security Camera and New ATM Surround to Front – Approved - 17.12.2009.

12. Application No. 09/00501/ADV - Replacement of Existing Signage to Front Elevation with Internally Illuminated Fascia Sign and Internally Illuminated Projecting Sign and New Internally Illuminated Sign to Rear Elevation – Refused - 10.11.2009.
13. Application No. 10/00042/ADV - Replacement Externally Illuminated Fascia Sign and Replacement Non-illuminated Projecting Sign – Approved - 13.04.2010.

MATERIAL PLANNING CONSIDERATIONS

14. 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.
15. 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).

Assessment

16. The relevant policies in this instance are policies DM1 (Design of New Developments) of the Council's Development Management Plan (2014), which indicates that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity without discouraging originality, innovation or initiative.
17. Other affiliated policies include the Local Development Framework Core Strategy (2011) CP2 (Conservation Areas) which seeks to preserve the special character of Conservation Areas and to promote good design. Other important documents to be used in the determination of this application are SPD4 (Shop Fronts) and SPD6 (Design Guidelines for Conservation Areas).
18. The Council's SPD4 (Shop Fronts) advocates design must *"...be considered as an intrinsic part of the overall appearance of a building. It should appear to be perfectly related to the upper floors in structural concept, proportion, scale and vertical alignment"*. It goes on to enunciate that *"the overall appearance of an elevation suitable for a traditional location, thought must be given to its relationship with neighbouring existing buildings. The new elevation should be compatible with its context in materials, scale and visual intricacy in*

order to take its place within a harmonious street scene". The SPD6 (Design Guideline for Conservation Areas) builds upon on this and states that *"new development...must reflect the characteristics of the neighbourhood"*.

19. Section 72 of the Planning Act (Listed Buildings and Conservation Areas) imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 203 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

20. Additionally, the NPPF discusses that new development should make a positive contribution to the local character and distinctiveness and opportunities should be taken to draw on the historic environment to the character of place. Furthermore, it advises that *'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth'* (para 85).

21. Furthermore, the area is covered by the Rayleigh Conservation Area Appraisal and Management Plan (2007). The appraisal specifically mentions the application site stating *"Barclays Bank and Savers (Nos. 63-67) are an excessively tall three storey block, the first floor in a good small brown stock brick. The bank has reinforced its status by constructing a dark marble façade which looks smart but incongruous next to the adjacent shopfront. A footpath down the side of Barclays leads through to Websters Way and the public car park"*.

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

Impact on the Character and Appearance of the Streetscene and the Conservation Area

23. As previously alluded to the application building was formerly used by Barclays Bank. The building is situated in a prominent central location alongside other businesses and financial institutions and is located wholly within the Rayleigh Conservation Area. According to the submitted plans and accompanying supporting statement the proposal involves the removal of existing external signage branding; removal of existing individual letters signage; removal of external ATMs and the existing apertures to be infilled with marble to match existing; removal of the existing external CCTV camera and signage; removal of existing night safe and existing aperture to be infilled with marble to match existing.

24. According to the applicants Design and Access Statement "*The original building fabric will not be altered, removed or concealed. All existing original features will not be affected by the proposed works. The proposed works are intended to return the building to pre-Barclays occupation as much as it is possible*".

25. All of the existing signage will be removed and the existing ATMs and night safe will also be removed. Following the removal of these fixtures and fittings the voids will be infilled with marble to match the existing, and this will be secured by planning condition, in the event that planning permission is approved.

26. As the application site is located within the Rayleigh Conservation Area, the case officer considered it prudent to seek specialist advice from the Council's (Essex County Council Place Services) Heritage Officer. The Conservation Officer stated that "*The building affected by this application is a modern building of no heritage merit, but the site is located within the Rayleigh Conservation Area.*

The proposed changes to the elevations are considered to be uncontentious and will preserve the character or appearance of the Rayleigh Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990".

27. In light of the above, the case officer considers given the nature and scale of the proposed works, they will not have a significant detrimental impact on the character and appearance of the host building or the Conservation Area and as such the proposal is in accord with policies CP1 and CP2 of the Council's Core Strategy (2011) and policy DM1 of the Council's Development Management Plan (2014).

Impact on Residential Amenity

28. 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.
29. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
30. It is considered given the location, scale, and nature of the proposed development it will not have any detrimental impact on the residential amenity of nearby residents.

Ecology & Trees

31. There are no trees or ecology located on the site that would be impacted by the proposal.

CONCLUSION

32. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Essex County Council Built Heritage Advice:

The building affected by this application is a modern building of no heritage merit, but the site is located within the Rayleigh Conservation Area.

The proposed changes to the elevations are considered to be uncontentious and will preserve the character or appearance of the Rayleigh Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

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

Development Management Plan (December 2014) – DM1

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

Supplementary Planning Document 6 (Design Guideline for Conservation Areas)

The Essex Design Guide (2018)

Rayleigh Conservation Area Appraisal and Management Plan (2007)

RECOMMENDATION: APPROVE

Conditions:

4. 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.

5. The Development hereby approved shall be carried out in total accordance with the approved plans numbered BY1091138_340 (Location Plan) (as per date stated on plan 26th March 2024), BY1091138_331 (as per date stated on plan 6th February 2024) and BY1091138_332 (as per date stated on plan 6th February 2024).

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

6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.

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

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