
Report to Rochford District Council

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 25th November 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE ROCHFORD DEVELOPMENT MANAGEMENT SUBMISSION DOCUMENT

Document submitted for examination on 11 December 2013

Examination hearing held on 26 March 2014

Ref: PINS/B1550/429/9

Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
DMD	Rochford Development Management Submission Document
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy

Non-Technical Summary

This report concludes that the Rochford Development Management Submission Document provides an appropriate basis for the planning of the District providing a number of modifications are made to the Plan. Rochford District Council has requested me to recommend any modifications necessary to enable the Plan to be adopted. All of the modifications to address this were proposed by the Council.

The Main Modifications can be summarised as necessary changes to the policies in the interests of effectiveness and to ensure consistency with national policy.

Introduction

1. This report contains my assessment of the Rochford Development Management Submission Document (DMD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the DMD of April 2013 which is the same as the document published for pre-submission consultation in June 2013.
3. My report deals with the Main Modifications that are needed to make the Plan sound and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. These Main Modifications are set out in full in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the examination hearing. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal. This schedule has been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report and have also made some amendments to the detailed wording of the main modifications. None of these significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. The Council may also make additional modifications which do not materially affect the policies. However, these are not covered by this report.

Duty to Co-operate

5. The key strategic matters relating to sustainable development in the District were settled in the Core Strategy (CS) adopted in December 2011. The policies within the DMD are intended to guide development management within Rochford and all but one of them would not have a significant impact on any other local planning authority area. As a result the duty to co-operate imposed by section 33A of the 2004 Act is not engaged. Rochford District Council has nevertheless continued a constructive dialogue with Essex County Council as planning and highway authority and with other local planning authorities and relevant bodies¹.
6. The only exception to this is **Policy DM24 – Houseboats** given that the River Crouch forms the administrative boundary with Maldon District to the north. However, liaison has taken place with the neighbouring Council to ensure that

¹ Document SUBDOC6

the approach of the authorities to this matter is not contradictory. Overall I am satisfied that the duty has been met.

Assessment of Soundness

Main Issues

7. Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified two main issues upon which the soundness of the Plan depends.

Issue 1

Are the policies in the DMD consistent with, and do they positively promote, the vision and objectives for Rochford in the Core Strategy?

8. The DMD sets out the detailed day-to-day planning policies through which development in the District will be delivered and its structure reflects the sub-sections of the CS. I am satisfied that in broad terms the DMD policies take forward the short, medium and long term vision and the objectives for the various topic areas in the CS. They are therefore consistent with and positively promote those aspects of the CS.

Issue 2

Are the individual policies in the DMD clear, justified and consistent with national policy?

Housing, character of place and residential amenity

9. Expecting development to reflect the character of the locality has insufficient regard to the NPPF which comments that planning policies should not stifle innovation, originality and initiative. **Policy DM1 – Design of New Developments** also takes account of certain matters but is not expressed robustly. As such, it is inconsistent with national policy but this is addressed by the recommended modification (**MM2**). Paragraph 47 of the NPPF indicates that local authorities should set their own approach to density to reflect local circumstances. The Council has explained the rationale for applying the previously established indicative minimum density of 30 dwellings per hectare. This figure should be included in **Policy DM2 – Density of New Developments** in the interests of effectiveness (**MM3** and **MM4**).
10. The aim of **Policy DM3 – Infilling and Residential Intensification** is to ensure that new development responds to local character and history. However, expecting replacements to be provided on a 'like for like' basis does not sit well with CS Policy H5 which supports a mix of dwelling types or with the aim in the NPPF to boost significantly the supply of housing. Furthermore, the DMD should contain clear policies about what will and will not be permitted rather than indicate that the Council should be consulted about what is appropriate. Explaining that different dwelling types are unlikely to be acceptable in relatively homogenous areas, together with other changes, overcomes the unsoundness of the policy (**MM5** and **MM6**).
11. In order to deliver a wide choice of high quality homes the NPPF refers to the size of housing. It also establishes that good design should contribute positively to making places better for people. The purpose of **Policy DM4 –**

Habitable Floorspace for New Developments is to ensure that new dwellings should be of an appropriate size and layout to provide suitable and comfortable accommodation for modern living. In advance of the statement of Government policy on the Housing Standards Review there is no reason to preclude standards for Rochford based on the guidance set by the Homes and Communities Agency. However, to ensure flexibility a caveat regarding deliverability and viability is required (**MM7, MM8 and MM9**). The policy is nevertheless broadly consistent with the aims of national policy and, as modified, is justified and sound.

12. **Policy DM5 – Light Pollution** requires schemes to demonstrate that they will not have an adverse impact but this is not consistent with national policy. Paragraph 125 of the NPPF establishes that the impact of light pollution from artificial light should be limited by encouraging good design. Incorporating this more positive approach is necessary to make the policy sound (**MM13**). Furthermore, requiring detailed lighting schemes to accompany all planning applications does not fit with the purpose of policies as set out in the NPPF and should be removed (**MM11 and MM13**). Such information could be obtained, if necessary, through inclusion in the Council's list of validation requirements.
13. The policy does not affect the Council's powers in relation to artificial light as a statutory nuisance under the Clean Neighbourhoods and Environment Act 2005. It refers to obtrusive light limitations based on guidance from the Institution of Lighting Professionals and adhering to Table 4 of the DMD is not a requirement. Curfew times are omitted, except in relation to lights for sporting or recreational facilities, on the basis that all lighting will be the minimum needed for security and working purposes in any event. Conditions could also be applied in individual cases. I am satisfied that subject to other necessary changes (**MM10 and MM12**) the policy is sufficiently robust to enable the living conditions of existing residents to be protected.
14. The detailed wording of **Policy DM6 – Telecommunications** should be altered to provide clarity and to avoid repetition (**MM14**). For effectiveness **Policy DM7 – Local List** should confirm that locally listed buildings carry the status of non-designated heritage assets (**MM15 and MM16**) and **Policy DM9 – Development outside Conservation Area** should refer to setting (**MM18 and MM20**) to properly reflect the NPPF.
15. Whilst paragraph 132 indicates that any harm or loss requires clear and convincing justification the NPPF establishes that harm should be balanced against public benefits. The clause in **Policy DM8 – Demolition within Conservation Areas** that demolition will only be granted if certain criteria are met is therefore inconsistent with national policy and should be deleted. In addition, paragraph 203 of the NPPF confirms that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. There is accordingly no justification for insisting on a legal agreement in relation to the timing of demolition (**MM17 and MM19**).

Green Belt and countryside

16. For effectiveness, confirmation is required that policy compliant proposals are not inappropriate development (**MM21**). Changes to the supporting text and to **Policy DM10 – Development of Previously Developed Land in the**

Green Belt are also necessary to ensure consistency with Government policy and planning law in relation to horticultural buildings, openness, outdoor sport and recreation uses and development in rural areas (**MM22, MM23, MM32 and MM33**). Adjustments to other policies in this section concerning playing pitches, extensions to dwellings, temporary agricultural dwellings and the extension of domestic gardens are needed in order to make them clear (**MM37, MM38, MM39, MM41, MM42 and MM43**). Furthermore, provisions regarding the effects arising from the conversion of heritage assets on their significance are absent from a number of policies. This should be rectified to achieve soundness (**MM25, MM28, MM29, MM30 and MM31**).

17. Criterion (iv) of **Policy DM11 – Existing Businesses in the Green Belt** requires a demonstration that the proposal is necessary for the functioning of the business and not better situated elsewhere. Given the other restrictions and provisions within the policy this is an unnecessary hurdle that does not coincide with the more general support for economic growth in rural areas. Removing it would not prejudice the aims and purposes of Green Belts (**MM24 and MM25**). Rural diversification should be defined for policy purposes and in the interests of effectiveness I recommend that criterion (iii) of **Policy DM12 – Rural Diversification** should refer to the actual impact on the sensitivity of the relevant landscape character area (**MM26 and MM28**).
18. The expectation that **Policy DM13 – Conversion of Existing Agricultural and Rural Buildings in the Green Belt** should only apply to buildings with a form, bulk and general design in keeping with the surroundings is not consistent with current national Green Belt policy. As such, criterion (i) should be removed. Furthermore, a blanket prohibition on residential uses in the countryside is not warranted having regard to paragraph 55 of the NPPF. To achieve soundness this policy should be modified by setting specific criteria (**MM27 and MM30**).
19. There is no rationale for preventing an agglomeration of similar bed and breakfast/small-scale hotel facilities although the criteria for permitting such uses should be clarified within **Policy DM14 – Green Tourism (MM31)**. To protect the Green Belt concerns about a proliferation of stables should be highlighted and the amount of land per stable should be specified in **Policy DM15 – Equestrian Facilities (MM34, MM35 and MM36)**.
20. The Planning Practice Guidance (PPG) confirms that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances². There is insufficient evidence that these rights should be removed for extensions if a basement is allowed in accordance with **Policy DM20 – Basements in the Green Belt**. Therefore this provision is not justified or consistent with national guidance and should be removed (**MM40**).
21. Neither the wording of **Policy DM23 – Conservation Areas and the Green Belt** or the supporting text make clear what is meant by a more appropriate use. Given other elements of the policy and the likely application of Policy DM10 this criterion is superfluous. It should be omitted whilst covering the possible implications of additional activity or traffic movements in paragraph 3.85 (**MM44 and MM45**).

² ID 21a-017-20140306

Environmental issues

22. **Policy DM25 – Trees and Woodlands** should be strengthened in the interests of the environment and internal consistency (**MM48**). For similar reasons the scope of **Policy DM26 – Other Important Landscape Features** in relation to CS Policy ENV1 should be explained (**MM49** and **MM50**). To ensure effectiveness changes are also required to policies and text to refer to the Greater Thames Marshes Nature Improvement Area; to take safety into account in a flood event when considering houseboat moorings and to adjust the wording to underline that proposals should not cause harm to priority species and habitats (**MM46**, **MM47** and **MM51**).

Transport

23. The application of the minimum parking standards for residential development will be relaxed in residential areas near town centres and train stations according to **Policy DM30 – Parking Standards**. This is in line with Policy T8 of the CS. There is no evidence that other locations have sufficiently good public transport links to warrant a reduction in standards beyond those areas specified. The policy is therefore sound.

Economic Development

24. The wording of the first sentence of **Policy DM32 – Employment Land** is not clear and this should be remedied (**MM54**). The PPG indicates that planning permission should run with the land and that it is rarely appropriate to provide otherwise³. Furthermore restricting the frequency and timing of deliveries is likely to be unenforceable. The paragraph in **Policy DM33 – Working From Home** regarding the use of conditions is therefore incompatible with national guidance and should be removed. Other changes are needed to confirm that residential uses should retain primacy and be of an adequate size (**MM55**).

Retail and Town Centres

25. The NPPF indicates that local plans should identify areas where it may be necessary to limit freedom to change the use of buildings. Paragraph 23 refers to policies that make clear which uses will be permitted in primary and secondary frontages. **Policy DM34 – Town Centre Shopping Frontages** follows this broad approach. However, there is a lack of clarity about what is meant by a "cluster". Modifications to this and to other aspects of the wording are necessary to make the policy coherent and effective (**MM56** and **MM57**).
26. **Policy DM35 – Upper Floor Locations in Town Centres** supports the use of upper floors of shops and other commercial premises but only where no net loss of leisure or commercial uses would result. However, paragraph 23 of the NPPF recognises that residential development can play an important role in ensuring the vitality of town centres. Furthermore, applications to change to residential use should normally be approved and no strong economic reasons have been advanced as to why such development would be inappropriate. Therefore the second sentence is not consistent with national policy and should be removed in order to achieve soundness (**MM58**).

³ ID 21a-015-20140306

27. The approach to residential uses in the Green Belt in **Policy DM36 – Village Shops and Neighbourhood Shopping Areas** should to be put on a par with other policies in the DMD in the interests of internal consistency (**MM59**).

Other modifications

28. In various places the definition of major development should be specified in order that policies are meaningful and effective (**MM1**, **MM52** and **MM53**).

Conclusion on Issue 2

29. Subject to the modifications referred to above the policies in the DMD are clear, justified and consistent with national policy.

Other matter

30. Increasing attention is now being given to the importance of securing sustainable and resilient food systems as highlighted by the South East Essex Organic Gardeners. Recent publications also refer to the link between this topic and planning policy and other places are putting this issue at the heart of local policy. The NPPF indicates that account should be taken of the economic and other benefits of the best and most versatile agricultural land and that local plans should be able to identify green areas of particular importance for special protection. However, there is no national policy imperative to include policies about sustainable food production.
31. Moreover, as explained previously, the DMD takes its lead from the Core Strategy. Indeed, Regulation 8(4) requires that it is "consistent" with the adopted development plan. The request for an overarching and holistic policy relating to sustainable food systems therefore does not sit well with a Plan of this nature. Policy DM4 would nevertheless set space standards for housing that may have the effect of allowing sufficient space for people to cook from scratch. This is a matter that the Council may review through the CS. However, the lack of policies in this respect does not make the DMD unsound.

Assessment of Legal Compliance

32. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The DMD is identified within the approved LDS of April 2013. Its content and timing are compliant with the LDS and the updated timetable of November 2013.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with its requirements, including that on the proposed modifications.
Sustainability Appraisal (SA)	SA has been carried out, including SA of the Council's proposed modifications, and is adequate.
Appropriate Assessment	The Habitats Regulations AA Screening Report of

(AA)	December 2013 sets out that the DMD is unlikely to have a significant impact, either alone or in combination, on European sites. It has been verified by Natural England.
National Policy	The DMD complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Equality Impact Assessment of December 2013 provides evidence of compliance with the Duty.
2004 Act (as amended) and 2012 Regulations.	The DMD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

33. The DMD has a number of deficiencies in relation to soundness which have been explained above. This means that I recommend non-adoption of the DMD as submitted in accordance with Section 20(7A) of the 2004 Act. The Council has nevertheless requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix the DMD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

David Smith

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

Main Modifications

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in *italics*.

The page numbers and paragraph numbering below refer to the Development Management Submission Document (April 2013), and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modifications
MM1	16	Footnote 1	<p><i>Amend footnote as follows:</i></p> <p>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or <u>more</u>.</p> <p>The Council considers major development as defined within the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006</p>
MM2	18	Policy DM1	<p><i>Amend text and insert new criterion below point 1 as follows:</i></p> <p>The design of new developments should <u>promote</u> reflect the character of the locality to ensure a positive contribution <u>that the development positively contributes</u> to the surrounding natural and built environment and residential amenity, <u>without discouraging originality, innovation or initiative</u>.</p> <p>The design and layout of proposed developments should <u>must demonstrate that take into account</u> the following <u>have been carefully considered and addressed within the proposal</u>:</p> <ul style="list-style-type: none"> (i) <u>(i)</u> Accessibility, particularly <u>promoting</u> alternatives to the private car; (ii) <u>(ii)</u> Integration of existing and proposed public rights of way; (iii) <u>(ii)</u> Adequate bBoundary treatment and landscaping within the development; (iv) <u>(iii)</u> Retention of trees, woodland and other important landscape features <u>in accordance with</u>

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>Policies DM25 and DM26;</u></p> <p>(v) (iv) <u>Sufficient cCar parking in accordance with Policy DM30;</u></p> <p>(vi) (v) <u>Suitable dDensity for the locality in line with Policy DM2;</u></p> <p>(vii) (vi) Local open space requirements including the provision of greenspace, play space, private and communal gardens, allotments and other types of open space, as appropriate, based on the most up-to-date Open Space Study;</p> <p>(viii) (vii) Impact on the natural environment including sites of nature conservation importance, and on the historic environment including Conservation Areas and Listed Buildings, archaeological sites and the wider historic landscape;</p> <p>(ix) (viii) <u>Avoiding oOverlooking, ensuring privacy and promoting visual amenity;</u></p> <p>(x) (ix) <u>A positive rRelationship to with existing and nearby buildings in accordance with Policy DM3;</u></p> <p>(xi) (x) <u>A Sscale and form appropriate to the locality in line with Policy DM3;</u></p> <p>(xii) (xi) <u>Compliance with tTextual Concept Statements; and</u></p> <p>(xiii) (xii) Village Design Statements and Parish Plans, where applicable.</p> <p>Design briefs for major developments must show that they consider and reflect the identity of the surrounding area, and must allow for the effective running of the Council’s waste management and recycling scheme.</p> <p>Proposals should have regard to the detailed advice and guidance on the design and layout of new developments as set out in Supplementary Planning Document 2 – Housing Design, as well as to guidance in the Essex Design Guide for Residential and Mixed Use Areas, and the most up-to-date Open Space Study for open space provision</p>

Ref	Page	Policy/ Paragraph	Main Modifications
MM3	19	2.16	<p><i>Amend paragraph as follows:</i></p> <p>The NPPF provides guidance on the provision of high quality, sustainable housing, with a mix of housing tenures which reflects local needs, ensuring the effective use of existing housing stock, and providing enough homes in appropriate locations through the efficient and effective use of land. It gives the Local Planning Authority flexibility in setting appropriate densities to specific localities. However, it is still imperative that land contributing towards the District’s housing land supply is appropriately and efficiently utilised. <u>The previously established national indicative minimum density of 30 dwellings per hectare is considered to strike a balance between ensuring the efficient use of land and respecting the character of localities.</u> As such promoting a minimum density threshold of 30 dwellings per hectare is considered to be appropriate.</p>
MM4	20	Policy DM2	<p><i>Amend policy as follows:</i></p> <p>Proposals for residential development must make efficient use of the site area in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. <u>The density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated.</u></p> <p>The precise density for any individual site, however, will be determined by its immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings to meet the community’s needs.</p>
MM5	21	2.24	<p><i>Amend paragraph as follows:</i></p> <p><u>There is concern that the replacement of dwelling(s) with an alternative dwelling type could have a detrimental impact on the individual character of the District’s settlements.</u> Whilst providing a mix of dwelling types within new developments is supported in the Core Strategy (Policy H5), we the Council will seek to resist the loss of existing dwelling types, which can impact on the character of the street scene in the District’s existing settlements. Therefore As an example, where the street scene is relatively</p>

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>homogenous in terms of house types and design the replacement of dwellings should usually be on a like for like basis <u>to protect the local character, as appropriate</u>. However, if it can be demonstrated that an alternative dwelling type would be more appropriate and ensure better utilisation of a site, without creating undue residential intensification and ‘town cramming’ e.g. the replacement of one bungalow on a wide plot of land with a pair of semi-detached houses, then this may be considered acceptable <u>on a case-by-case basis</u>. We will determine whether the loss of an existing dwelling type is appropriate and applicants should consult the Council for advice and guidance. The demolition of individual dwellings to be replaced by multiple dwellings e.g. the replacement of a bungalow with flats, is not generally supported. Resisting the intensification of smaller sites within residential areas will protect the character of existing settlements. However, limited infilling is considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. An appropriate level of residential intensification within town centre areas, where higher density schemes (75+ dwellings per hectare) may be appropriate will be encouraged.</p>
MM6	22	Policy DM3	<p><i>Amend policy as follows:</i></p> <p>Proposals for infilling, residential intensification or ‘backland’ development should <u>must</u> consider <u>demonstrate that the following have been carefully considered and positively addressed:</u></p> <ul style="list-style-type: none"> (i) the design of the proposed development in relation to the existing street pattern and density of the locality; (ii) whether the number and type of dwellings being proposed are appropriate to the locality <u>having regard to existing character</u>; (iii) the contribution to housing need, taking into account the advice and guidance from the Council, based on the most up-to-date evidence available; (iv) an assessment of the proposal’s impact on residential amenity; (v) avoiding a detrimental impact on landscape character or the historic environment;

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>(vi) <u>avoiding</u> the loss of important open space which provides a community benefit and/or visual focus in the street scene;</p> <p>(vii) <u>avoiding</u> the loss of private amenity space for neighbouring dwellings <u>to ensure adequate provision as set out in Supplementary Planning Document 2: Housing Design</u>;</p> <p>(viii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;</p> <p>(ix) the availability of sufficient access to the site and adequate parking provision; and</p> <p>(x) <u>avoiding a tandem relationship between dwellings, unless it can be satisfactorily demonstrated that overlooking, privacy and amenity issues can be overcome as set out in Supplementary Planning Document 2: Housing Design.</u></p>
MM7	24	2.32	<p><i>Amend paragraph as follows:</i></p> <p>Both market and affordable housing should aspire to meet minimum approved standards for internal floor area for habitable rooms. Each dwelling should comply with the minimum acceptable floorspace standards as defined below in Table 3, <u>unless it can be clearly demonstrated that compliance with the standards would be unviable or undeliverable.</u></p>
MM8	24	2.33	<p><i>Amend paragraph as follows:</i></p> <p>In addition to the minimum floorspace standards above, it is also important to take into account the functionality of the space within dwellings in that they are well planned and useable, particularly for habitable rooms. All habitable rooms should have a minimum floor to ceiling height of 2.5 metres⁶ (8.2 feet) and be of an appropriate width to accommodate their proposed uses/function. All non-habitable rooms <u>over 3 square metres</u> should be of an adequate size, height and shape, with sufficient natural lighting, and be ventilated directly by external air via a window. These standards will apply to all dwelling types, and both market and affordable housing.</p>

Ref	Page	Policy/ Paragraph	Main Modifications
MM9	25	Policy DM4	<p><i>Amend policy as follows:</i></p> <p>New dwellings (both market and affordable housing) must adhere to the minimum habitable floorspace standards set out in Table 3, <u>unless it can be clearly demonstrated to be unviable or undeliverable</u>. They should have a good internal layout with reasonably sized habitable and non-habitable rooms that are well-designed, planned and useable, applying the principles of the Lifetime Homes Standard criteria, and are suitable for modern living.</p>
MM10	25	2.38	<p><i>Amend paragraph as follows:</i></p> <p>The District has three distinguishable areas which have varying sensitivity in terms of landscape character, impact on the Green Belt, nature conservation importance, and visual amenity. It is therefore considered appropriate to set out different lighting thresholds for external artificial lighting for these different areas. These different areas are referred to as environmental zones. Three distinguishable environmental zones have been identified below, based on those defined by the Institute <u>Institution of Lighting Engineers Professionals</u>⁹ (with the exception of Environmental Zone 4 which encompasses town/city centres with high levels of night-time activity, and is therefore not considered to be applicable to the District) taking into account the characteristics of the District. <u>However, there are a few exceptions. Table 4 does not include Environmental Zone 0 (protected areas such as IDA dark sky parks) and Environmental Zone 4 (town/city centres with high levels of night-time activity) which are not considered to be applicable to the District. Environmental Zone 1 also does not include areas of nature conservation importance as it is not considered desirable to permit lighting within such areas.</u></p>
MM11	27	2.45	<p><i>Remove paragraph:</i></p> <p>An appropriately detailed lighting scheme should accompany all full planning applications,; however, the submission of a detailed lighting scheme may not always be necessary. When submitting an outline planning application, it is considered that an appropriately detailed lighting strategy should accompany the application, where appropriate. The level of detail required should be determined in consultation with the Council’s Development Management team. It may therefore be necessary to submit a more detailed</p>

Ref	Page	Policy/ Paragraph	Main Modifications
			lighting scheme at a later date. However, depending on the level of detail provided within the lighting strategy, a scheme may not be considered necessary.
MM12	28	2.46	<p><i>Amend paragraph as follows:</i></p> <p>Floodlighting of sports and other leisure and recreational facilities also requires careful consideration as it can be a nuisance to adjacent land users, have a detrimental impact on the countryside and can cause unnecessary glow in the night sky. Any proposal for floodlighting must demonstrate how essential it is for the associated land use and must be of a design to minimise the impact on the environment and its surroundings. Details to be submitted must be adequate to enable the assessment of the effect of the lighting and the appearance of the fittings. <u>Sport England’s guidance ‘Artificial Sports Lighting’, or the most up-to-date available, should be referred to.</u></p>
MM13	28	Policy DM5	<p><i>Amend the policy as follows:</i></p> <p>Applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds as set out in Table 4.</p> <p>Applicants making an outline planning application must submit an appropriately detailed lighting strategy which is proportional to the application. This should be determined in consultation with the Council’s Development Management team. A more detailed lighting scheme should be submitted at the Reserved Matters stage when making a full planning application, as appropriate.</p> <p><u>Proposed schemes must be appropriately designed and installed to minimise the impact of light pollution demonstrate that they will not have an adverse impact in terms of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky through avoiding unnecessary light spillage and trespass. Where an adverse impact is identified, conditions may be attached to a grant of planning permission or a S106 agreement may be sought to mitigate such impacts.</u></p> <p>Applications for sports and other leisure and recreational facilities development involving external</p>

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>floodlighting will be permitted provided that the following can be demonstrated:</p> <ul style="list-style-type: none"> (i) the lighting is designed to be as directional as possible using the minimum number of lights required with the aim of reducing light pollution; (ii) a curfew time of <u>no later than</u> 10.00pm; and (iii) consideration is given to the effect of the light upon local residents, vehicle users, pedestrians, local wildlife and the night sky.
MM14	29-30	Policy DM6	<p><i>Amend the policy as follows:</i></p> <p>Where planning permission is required, proposals for the development of telecommunications networks, including the proposed equipment and associated structures <u>should be avoided in sensitive locations (such as an area of nature conservation importance or the historic environment)</u>. <u>Proposals for telecommunications development</u> will be considered acceptable provided that:</p> <ul style="list-style-type: none"> (i) if located on an existing building, mast or other structure, telecommunications equipment is sited and designed to ensure that there is minimal impact to the external appearance of the structure; (ii) in exceptional circumstances, if sited in a sensitive location (such as an area of nature conservation importance or the historic environment), it has been clearly demonstrated that there are no suitable alternative sites for the development of telecommunications systems available in the locality, the development is essential, it is to the benefit of the local community, and it would not have a negative impact on <u>the sensitive areas or</u> local landscape character. Such evidence should accompany any application made; <u>and</u> (iii) evidence is provided along with applications which propose the siting of a new mast, to demonstrate that the possibility of erecting telecommunications equipment on existing buildings, masts or other structures has been fully explored. Where it can be proved <u>shown</u> that this is not possible, telecommunications development requiring an application for prior approval of siting and appearance will only be considered acceptable where the equipment is of a design, height,

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>material and colour, and where appropriate is screened, so as to minimise visual intrusion. Proposals Applicants should also consider the impact on:</p> <ul style="list-style-type: none"> (a) <u>the potential impact of the proposal on</u> the topography and natural vegetation; (b) the proximity to areas of nature conservation interest or other sensitive areas <u>and whether the proposal would have a negative impact; and</u> (c) its the proposals relationship with other existing masts, structures or buildings, as mast-sharing would be expected, where possible; and (d) (c)its the proposal’s relationship to residential property, educational and healthcare facilities, employment and recreational sites; and (iv) if proposing development in a sensitive location, it should be clearly demonstrated there would not be a negative impact on these areas. Such evidence should accompany any application made. <p>When considering applications for telecommunications development, we <u>the Council</u> will take into consideration the operational requirements of telecommunications networks and the technical limitations of the technology. Additionally, arrangements will be put in place to ensure that, if such development falls into disuse, any structures are removed and the land restored to its condition before development took place or other agreed beneficial use.</p>
MM15	30	2.54	<p><i>Amend paragraph as follows:</i></p> <p>The new Local List, which is being reintroduced through the Core Strategy, identifies individual buildings, groups of buildings or items of street furniture which are of local historic, architectural or visual importance, are locally distinctive or are considered to be character enhancing. <u>The buildings on the Local List are non-designated heritage assets.</u></p>

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MM16	31	Policy DM7	<p><i>Amend third paragraph of the policy as follows:</i></p> <p>Owners <u>Applicants</u> should consider the <u>demonstrate that the</u> retention, restoration and/or replacement of the following have been carefully considered and addressed:</p> <ul style="list-style-type: none"> (i) Important architectural and character features such as weatherboarding, modillions, bargeboards, existing roof material, cornerstones and ridge tiles, although this is not an exhaustive list; and (ii) Original windows for example sash windows should be retained and replaced with similar windows. The use of plastic PVC windows should be avoided.
MM17	31	2.59	<p><i>Insert new paragraph below paragraph 2.59:</i></p> <p><u>National policy places great weight on the conservation of heritage assets; the more important the asset, the greater the weight that should be given to its retention. Any harm to or loss of a heritage asset should be avoided, unless it can be clearly justified. Substantial harm to or loss of grade II listed assets should be exceptional, and substantial harm to or loss of designated heritage assets of the highest significance (such as grade I and II* listed assets) should be wholly exceptional.</u></p>
MM18	32	2.62	<p><i>Amend paragraph as follows:</i></p> <p>Development in areas which are outside, but adjacent to, Conservation Areas can have an impact on the visual amenity, <u>setting</u>, character and value of those areas which are protected and so will seek to ensure that they do not have a negative impact on the Conservation Area. The impact a proposed development <u>(including proposals for new buildings as well as alterations to existing buildings)</u> may have on a Conservation Area will be determined on a site-by-site basis. <u>English Heritage’s guidance on ‘The Setting of Heritage Assets’ should be taken into consideration.</u></p>
MM19	32	Policy DM8	<p><i>Amend the policy as follows:</i></p> <p><u>Consent for the demolition of a building in a Conservation Area will be granted where it can be clearly demonstrated that the benefits of proposed demolition outweigh the harm to the Conservation Area. In the</u></p>

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			<p><u>case of nationally or locally listed buildings, appropriate weight will be given to the significance of these heritage assets based on their importance when considering applications for demolition. Any harm to, or loss of, a nationally listed building will only be permitted in exceptional circumstances.</u></p> <p>Consent for the demolition of a building in a Conservation Area will only be granted in cases where all of the following criteria are met:</p> <ul style="list-style-type: none"> (i) the building to be demolished is not locally or nationally listed of no architectural or historical interest and does not make a positive contribution to the character or appearance of the Conservation Area; (ii) detailed plans for the after-use of the site have been submitted to, and approved by, the Local Planning Authority. (In cases where the after-use of the site includes development requiring planning permission, such permission must have been applied for and granted in order that the terms of this criterion be met). <p><u>Additionally we Detailed plans for the after-use of the site will be required to be in place prior to consent for the demolition of a building within the Conservation Area being granted. The Council will require the signing of a legal agreement between Rochford District Council and the developers before condition any consent for demolition is granted, requiring to require that a contract for the carrying out of redevelopment works has been made and planning permission granted before any demolition takes place. the redevelopment of the site within an agreed timeframe, and no demolition may occur without a contract to redevelop the site.</u></p>
MM20	32	Policy DM9	<p><i>Amend policy as follows:</i></p> <p>Proposals for developments which are outside, but close to the boundary of, Conservation Areas must have regard to their impact on the overall street scene, <u>and setting of</u> individual buildings or groups of buildings within and on the edge of the Conservation Areas.</p> <p>Proposals for developments which would alter the appearance of a building should carefully consider the</p>

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			impact of the changes proposed on the <u>setting</u> , character and appearance of the adjacent Conservation Area. Account should be taken of all changes proposed including (but not limited to) changing building materials, altering the positioning and design of fenestration and extensions and other alterations.
MM21	35	3.6	<i>Insert following sentence below paragraph 3.6:</i> <u>Proposals that comply with the Policies DM10 to DM23 set out within this section are not, by definition, inappropriate development.</u>
MM22	37	3.12	<i>Amend bullet point 1 as follows:</i> <ul style="list-style-type: none"> land that is or has been occupied by agricultural or forestry buildings (<u>agricultural or forestry buildings does not includes glasshouses/greenhouses or other horticultural buildings</u>);
MM23	40	Policy DM10	<p><i>Amend the policy as follows:</i></p> <p>Policy DM10 – <u>Red</u>Development of Previously Developed Land in the Green Belt</p> <p>The Council will favour proposals for the redevelopment of previously developed land in the Green Belt which accord with Policy GB2 of the Core Strategy.</p> <p>Proposals for the development of residential, retail and other uses not promoted by Policy GB2 of the Core Strategy, such as office, commercial, leisure, and community uses, on previously developed land that is located in the Green Belt may be appropriate if it can be demonstrated that it would constitute sustainable development (<u>i.e. all of the below criteria are met</u>).</p> <p>In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:</p> <ul style="list-style-type: none"> (i) is well related to a defined residential settlement; (ii) is well related to local services and facilities;

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			<p>(iii) has good connections to the strategic road network;</p> <p>(iv) would promote sustainable transport modes;</p> <p>(v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vi) is located within the South Essex Coastal Towns landscape character area.</p> <p>Proposed retail development of previously developed land in the Green Belt will be permitted provided that:</p> <p>(i) there are no suitable and available alternative sites in a town centre or edge-of- centre location;</p> <p>(ii) the proposed development would not undermine the function of the District’s town centres;</p> <p>(iii) the proposed development is well related to a defined residential settlement;</p> <p>(iv) the proposed development has good connections to the strategic road network;</p> <p>(v) the proposed development would promote alternatives to private transport;</p> <p>(vi) the proposed development would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vii) the proposed development is located within the South Essex Coastal Towns landscape character area.</p> <p>Proposals for other uses not promoted by Policy GB2 of the Core Strategy (such as office, commercial, leisure, and community uses) will be permitted provided that:</p> <p>(i) it can be demonstrated that locating the proposed development on employment land, in a town centre or edge-of-centre location would not be appropriate, viable and/or deliverable;</p> <p>(ii) the proposed development is well related to a defined residential settlement if appropriate having</p>

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			<p>regard to the type of development proposed and potential impact on residential amenity;</p> <p>(iii) the proposed development has good connections to the strategic road network;</p> <p>(iv) the proposed development would promote sustainable transport modes;</p> <p>(v) it would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vi) the proposed development is located within the South Essex Coastal Towns landscape character area.</p> <p>Development of previously developed land should not undermine the <u>five purposes</u> of including the land within the Green Belt.</p> <p>Any development which is permitted should be of a scale, design and siting such that the <u>openness of the Green Belt and</u> character of the countryside is not harmed, and nature conservation interests are protected.</p>
MM24	42	3.37	<p><i>Amend paragraph as follows:</i></p> <p>Extensions to buildings for lawfully established businesses in the Green Belt, however, may be permitted provided that there are no <u>suitable and</u> available vacant units either on the site or close to the business in question. Where there are suitable units which are available then, in the interests of preserving the openness of the Green Belt whilst supporting lawfully established businesses, an extension will not be permitted. Existing units should be utilised, as far as practicable, before extensions are permitted.</p>
MM25	43	Policy DM11	<p><i>Amend the policy as follows:</i></p> <p>The Council will support existing lawfully established businesses in the Green Belt, allowing extensions to existing business premises, <u>replacement of existing business premises</u>, and changes of use to enable diversification, where appropriate, subject to the following:</p> <p>(i) extensions and/or changes of use relate to an existing business which is lawfully established and would not be detrimental to nature conservation interests, landscape character, the historic</p>

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			<p>environment, the best and most versatile agricultural land or residential amenity;</p> <p><u>(ii) the availability of suitable vacant units on the site/close to the business in question;</u></p> <p><u>(iii) where an extension is proposed it would not result in a disproportionate increase in gross floorspace over that of the original building;</u></p> <p><u>(iv) (iii) where a replacement is proposed it would not be materially larger than the one it replaces;</u></p> <p><u>(v) (iv) it can be demonstrated that the proposal is necessary for the functioning of the existing business, and the proposed development would not be better situated in a deliverable and available location elsewhere in the District;</u></p> <p>(v) the development has been designed to minimise impact on the character, appearance and openness of the Green Belt;</p> <p>(vi) the scale, design and materials of the original building is respected;</p> <p>(vii) the development would not undermine town centre regeneration; and</p> <p>(viii) the type or volume of generated traffic, particularly heavy goods vehicles, would be appropriate to the rural highway network, would not have an unacceptable adverse effect on highway safety, the amenity of nearby residential occupiers or important wildlife habitats; and</p> <p><u>(iv) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p><u>(a) not negatively impact on the quality of the listed structure; and</u></p> <p><u>(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>

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MM26	43	3.39	<p><i>Amend paragraph as follows:</i></p> <p>Supporting rural diversification is important to ensure the prosperity of the local economy. As identified in the Core Strategy, the Council supports activities which would complement the current functioning of agricultural establishments <u>through rural diversification, which includes</u> the conversion of existing agricultural and rural buildings for small-scale B1 employment use, green tourism, conversion of farm buildings to bed and breakfasts/small-scale hotels and outdoor recreation and leisure activities <u>(Core Strategy Policy GB2)</u>. Retail and residential development, however, are not <u>generally</u> considered acceptable forms of rural diversification in the Green Belt or rural areas outside the Green Belt.</p>
MM27	43	3.40	<p><i>Amend paragraph as follows:</i></p> <p>The use of existing agricultural and rural buildings for bed and breakfast <u>accommodation</u> is acceptable <u>in principle</u> within the Green Belt and wider countryside because they <u>they</u> can make a positive contribution to the local rural economy and support the development of local green tourism initiatives. However, the use of existing agricultural and rural buildings for residential use is not considered appropriate, as such a use does not in itself generate economic activity within the Green Belt or wider countryside and would not make a positive contribution to the rural economy. Proposals would need to demonstrate that they have a sound financial basis, but eEven if a bed and breakfast venture becomes economically unviable, the conversion of such a use for residential purposes is not supported. Residential uses would not positively contribute to the local rural economy and green tourism, and therefore would not be considered appropriate.</p>
MM28	44	DM12	<p><i>Amend policy as follows:</i></p> <p>Rural diversification will be supported so long as it involves an appropriate form of rural activity, as outlined in the Core Strategy, and having regard to the following:</p> <ul style="list-style-type: none"> (i) the need to ensure that the proposed use would not have an undue impact on the openness of the Green Belt, character of the countryside, nature conservation interests, the historic environment, visual amenity or residential amenity; (ii) the need to ensure that the proposed use would not introduce additional activity or traffic movements

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			<p>likely to materially and adversely affect the openness of the Green Belt or character of the countryside, or place unacceptable pressures on the surrounding highway network;</p> <p>(iii) the sensitivity of the landscape character area in which to the proposal is situated to the proposed development proposed;</p> <p>(iv) the impact of the proposal on the agricultural value of the land; and</p> <p>(v) where rural diversification for employment opportunities is proposed, the area should have good links to the highway network particularly taking account of highway safety; and</p> <p>(iv) <u>where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p><u>(a) not negatively impact on the quality of the listed structure; and</u></p> <p><u>(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM29	45	3.45	<p><i>Amend paragraph as follows:</i></p> <p>The Council does not wish to see listed agricultural and rural buildings (either those with Listed Building status or those locally important buildings on the Local List) such as outbuildings, barns and stables, which contribute to the heritage of the District to become neglected through a restrictive approach to their use. These buildings may be capable of serving a useful purpose in the rural environment and can contribute to the functioning of the local economy. As such, rural diversification of listed agricultural and rural buildings will be accepted, however, significant alterations will only be considered if they do not have an adverse impact on the integrity of the existing structure <u>or its significance as a historic building</u>. Supporting evidence from a structural engineer should accompany any application for the conversion of listed agricultural and rural buildings. Whilst appropriate rural diversification opportunities would be supported, the purpose of this policy is not to resurrect derelict agricultural or rural buildings, but to support rural diversification, and its</p>

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			ensuing economic benefits through the use of existing buildings.
MM30	45-46	Policy DM13	<p><i>Amend the policy as follows:</i></p> <p>The reuse or adaptation of existing agricultural and rural buildings will be supported provided that:</p> <ul style="list-style-type: none"> (i) the application relates to an existing building with a form, bulk and general design in keeping with its surroundings; <u>(i)</u> (ii) the application relates to an existing building of permanent and substantial construction; <u>(ii)</u> (iii) the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network; <u>(iii)</u> (iv) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11; <u>(iv)</u> (v) due regard is had to residential amenity <u>would not have an undue impact on residential amenity;</u> <u>(v)</u> (vi) there would be no detrimental impact on nature conservation <u>or historic environment</u> interests; <u>(vi)</u> (vii) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should: <ul style="list-style-type: none"> (a) not negatively impact on the quality <u>and significance</u> of the listed structure; and (b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building. <p>Where conversion incorporates additions in accordance with Policy DM11, further extensions will be</p>

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			<p>restricted.</p> <p><u>(vii) The conversion of existing agricultural and rural buildings for residential uses is not supported. will be permitted provided that the proposal:</u></p> <p><u>(a) is well related to a defined residential settlement;</u></p> <p><u>(b) is well related to local services and facilities;</u></p> <p><u>(c) has good connections to the strategic road network;</u></p> <p><u>(d) would promote sustainable transport modes;</u></p> <p><u>(e) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; and</u></p> <p><u>(f) is located within the South Essex Coastal Towns landscape character area.</u></p> <p><u>Where conversion incorporates additions in accordance with Policy DM11, further extensions will be restricted.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM31	47	Policy DM14	<p><i>Amend the policy as follows:</i></p> <p><u>The Council will support proposals for green tourism, provided the proposal would not have an undue negative impact on: Green tourism will be permitted having regard to:</u></p> <p>i) the impact on the openness of the Green Belt (if applicable) and character of the countryside;</p> <p>ii) the impact on the visual amenity of the surrounding area;</p> <p>iii) the impact on the amenity of local residents;</p>

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			<p>iv) the impact on important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity;</p> <p>v) the sensitivity of the landscape character area in which the proposal is situated, <u>having regard to the area’s sensitivity</u> to the development proposed;</p> <p>vi) the impact on the historic environment, through taking into consideration the sensitivity of the different Historic Environment Character Zones set out in the Rochford District Historic Environment Characterisation Project (2006);</p> <p>vii) the impact of the proposal on the agricultural value of the land; and</p> <p>viii) the impact of the proposal on the highway network, having regard to the likely scale of tourism that the proposal would generate; and</p> <p>ix) <u>where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p style="padding-left: 40px;">(a) <u>not negatively impact on the quality of the listed structure; and</u></p> <p style="padding-left: 40px;">(b) <u>not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Where ancillary facilities are proposed for the purposes of green tourism, it must be demonstrated that such facilities are necessary for the functioning of the activity. Existing agricultural and rural buildings should be reused and converted for the accompanying uses, wherever possible and appropriate. Any new structures must be the minimum size, height and bulk to accommodate the proposed use. Ancillary facilities should not have an undue impact on the openness of the Green Belt or character of the countryside.</p> <p>The conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/<u>holiday lets</u> will be permitted in appropriate locations provided that <u>all of the above criteria are met and: this will not result in an agglomeration of similar facilities;</u></p>

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			<p>(a) <u>the application relates to an existing building of permanent and substantial construction; and</u></p> <p>(a) <u>the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM32	47	3.49	<p><i>Amend paragraph as follows:</i></p> <p>The NPPF (paragraph 89) considers the construction of new buildings for the provision of appropriate facilities for outdoor sport and recreation to be appropriate in the Green Belt, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It reasonably follows, therefore, that the change of use of land in the Green Belt for outdoor sport and recreation is appropriate. The NPPF (paragraph 81) also supports opportunities to enhance the beneficial use of the Green Belt, for example through providing opportunities for outdoor sport and recreation.</p>
MM33	48	3.51	<p><i>Amend paragraph as follows:</i></p> <p>The provision of equestrian facilities is a popular form of rural diversification. Increasing demand for equestrian facilities within the District, however, reinforces the need to ensure a balanced approach through weighing the need for adequate recreational facilities for equestrian activities against the protection of the Green Belt and countryside, and wide-ranging nature conservation interests throughout the District. Equestrian development can appear as ‘creeping urbanism’, blurring the boundaries between urban areas and the open countryside. The NPPF (paragraph 28) sets out the government’s approach to development in rural areas. <u>It supports the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.</u> It recognises that such facilities can be integrated with current farming activities and can make an important contribution to sustaining local rural economies. The vast majority of the District’s rural areas are designated as Green Belt and, as such, a balance needs to be struck between supporting equestrian facilities and ensuring</p>

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			<u>minimal impact on the openness of the Green Belt and character of the countryside. advice and guidance on development in the Green Belt must also be considered.</u>
MM34	48	3.53	<p><i>Split paragraph and amend as follows:</i></p> <p>Small-scale equestrian proposals (offering stabling for up to 10 horses) and large-scale proposals (proposing stables for 10 horses or more), where permitted, should ensure full reuse of existing agricultural and rural buildings before proposals for new development are considered. Where it is demonstrated that existing agricultural and rural buildings are inappropriate or insufficient for the purposes of the enterprise, new equestrian development may be permitted, providing it is closely located and related to existing development and not sited in remote or isolated rural locations. Isolated development can often appear intrusive in open countryside and can lead to the intensification of uses once established. As such, equestrian development may be more favourable within the South Essex Coastal Towns landscape character area.</p> <p>Furthermore, pProposals should seek to minimise the impact of proposed development on the openness of the Green Belt and character of the countryside by ensuring that any new buildings are of a modest design and scale, which is appropriate and the minimum size necessary for their intended purpose. Facilities should be located within one building, if appropriate, or in close proximity to other buildings to ensure visual intrusion is minimised. The Council considers that large-scale development of stables <u>and a proliferation of small-scale developments are</u> inappropriate because such an enterprises would materially affect the landscape character and the integrity of the countryside and have an undue impact on the openness of the District’s Green Belt.</p>
MM35	48-49	3.54	<p><i>Amend paragraph as follows:</i></p> <p>It is important to ensure that the welfare of horses through the provision of equestrian facilities is balanced against the potential impact on the openness of the Green Belt and character of the countryside. Therefore any proposed stable facility will have regard to the British Horse Society Standards in terms of stable size and grazing area as set out in ‘Guidelines for the Keeping of Horses: Stable Sizes, Pasture and Fencing’¹²</p>

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			or the most up-to-date guidance. The Society, for example recommends 0.4 hectares (approximately 1 acre) of grazing land per horse. <u>However, to protect the openness of the Green Belt, proposals should not result in a proliferation of stables.</u>
MM36	49	Policy DM15	<p><i>Amend second point of the policy as follows:</i></p> <p>(ii) proposals for equestrian establishments whether for private use or as a commercial livery will need to demonstrate that there is adequate land within the curtilage of the site to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with the British Horse Society Standards or equivalent <u>the maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area;</u></p>
MM37	51	Policy DM16	<p><i>Amend first point of the policy as follows:</i></p> <p>(i) they are proposed in an area where a deficit in supply has been identified. Alternative locations where a deficit has not been identified may be acceptable where more up-to-date evidence on supply and demand is available, <u>where it would involve the replacement of a lost playing field</u> or where it can be demonstrated that it is not feasible to share facilities or utilise other existing facilities in the locality, for example school playing fields; or where it can be demonstrated that the deficit location would not be viable to meet the teams/activities needs;</p>
MM38	53	Policy DM17	<p><i>Amend criterion (ii) of the policy as follows:</i></p> <p>(ii) the proposal has been designed so as to avoid <u>a negative</u> impact on the character and appearance of the Green Belt through its scale, mass and orientation.</p>
MM39	56	Policy DM19	<p><i>Add an additional point to the policy:</i></p> <p>(vii) any mobile home will be located outside Flood Zone 3, and will only be located in Flood Zone 2 where it is shown to pass the Sequential and Exception Tests and is supported by a site-specific Flood Risk Assessment.</p>

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MM40	57	Policy DM20	<p><i>Amend first paragraph of the policy as follows:</i></p> <p>Proposals for the development of basements for new and replacement dwellings will be permitted provided that:</p> <ul style="list-style-type: none"> (i) the proposal does not exceed the footprint of the original dwelling (including the 25% above ground extension allowance for replacement dwellings in the Green Belt); and (ii) the proposal does not give rise to the formation of a self-contained unit of accommodation such as a 'granny flat'. <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p> <p>Where a basement extension is permitted, planning permission shall be conditioned to remove permitted development rights which would allow the dwelling to be extended in order to control their scale, appearance and impact.</p>
MM41	58	Policy DM21	<p><i>Amend criterion (iii) of the policy as follows:</i></p> <p>(iii) the visual mass <u>and bulk</u> of the new dwelling should be no greater <u>not be significantly larger than</u> that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow it should be replaced by a bungalow; and</p>
MM42	59	3.80	<p><i>Amend paragraph as follows:</i></p> <p>Applications to extend domestic gardens beyond the current designation of the residential fringe <u>designated residential area</u> will be considered and permitted only where the impact on the surrounding environment, or visual amenity (the value, attractiveness or desirability of a particular view) for neighbours or the public is minimal. The size of the proposed garden extension will also be taken into consideration. The proposed</p>

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			extension should not be out of proportion with the size of the existing garden, for example it should not be more than double the size of the existing garden area.
MM43	59	Policy DM22	<p><i>Amend the policy as follows:</i></p> <p>Extensions to domestic gardens which currently reside within, or would encroach onto the designated Green Belt land, will only be permitted provided that <u>Extensions to domestic gardens onto land within the Green Belt will only be permitted provided that:</u></p> <ul style="list-style-type: none"> (i) the proposal includes appropriate boundary treatment and would ensure a defensible and robust Green Belt boundary, for example where the extension would infill the residential fringe <u>designated residential area</u> in line with other gardens adjacent to the dwelling; (ii) the size of the proposed garden extension is appropriate <u>not out of proportion with the size of the existing garden;</u> (iii) the proposal would not impact on the openness or undeveloped character of the Green Belt <u>through the erection of fences, additional buildings and other built structures;</u> (iv) the proposal would not encroach on high quality agricultural land (particularly Grade 1 or 2); (v) the proposal would not adversely impact on other areas of open space; and (vi) the proposal would not adversely impact on the conservation value or protection of natural areas of local wildlife value, or sites of national and international importance, or the historic environment. <p>Planning permission for a garden extension into the Green Belt will be conditioned withdrawing permitted development rights relating to the provision of buildings and other structures within the curtilage of the dwelling.</p>
MM44	60	3.85	<p><i>Amend paragraph as follows:</i></p> <p><u>In the case of employment operations, alternative uses to the existing use could have a greater impact on the openness of the Green Belt or character of the Conservation Area through introducing additional activity</u></p>

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			or traffic movements for example. <u>R</u> edevlopment should <u>therefore</u> retain existing uses, where appropriate, or propose alternative employment uses if the new use would complement the surrounding land uses and have a positive impact on the appearance and value of the Conservation Area.
MM45	60	Policy DM23	<p><i>Amend policy as follows:</i></p> <p>Redevlopment will be considered acceptable within Conservation Areas situated in the Green Belt, provided that:</p> <p>(i) it will make a positive contribution to the character and appearance of the Conservation Area and will contribute to the recommendations of the relevant Conservation Area Appraisal and Management Plan;</p> <p>(ii) the use of the building to be replaced is retained or is changed to one which is more appropriate in the Green Belt;</p> <p>(iii) (ii) the proposal would not adversely impact areas of biodiversity and geodiversity importance; and</p> <p>(iv) (iii) the proposal does not undermine the purposes of including the land within the Green Belt and is such that the impact on the openness of the Green Belt has been minimised.</p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM46	63	4.3	<p><i>Amend paragraph as follows:</i></p> <p>The Council is committed to improving the biodiversity and wildlife value of the District and to protect and enhance, where appropriate, local, national and international sites of nature conservation importance, as well as the Coastal Protection Belt and the Greater Thames Marshes Nature Improvement Area <u>(which encompasses much of the eastern part of the District)</u>. The importance of protecting local historical and archaeological sites is also recognised within the Core Strategy.</p>
MM47	65	Policy	<i>The third paragraph of the policy should be amended as follows:</i>

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		DM24	Permanent moorings and associated infrastructure, where permitted, should not cause disturbance or pollution to the surrounding environment, and should not adversely impact on the appearance of the local area, the objectives of the Green Belt, or the commercial or leisure use of the rivers and surroundings. <u>They should only be permitted where the Local Planning Authority is satisfied that the development has a tolerable level of safety for occupants in a flood event.</u>
MM48	67	Policy DM25	<p><i>Amend policy as follows:</i></p> <p>Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. <u>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.</u></p> <p>Where development would result in the <u>unavoidable</u> 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. Consideration should be given to the impact on <u>the landscape character area and the findings of the Rochford District Historic Environment Characterisation Project (2006)</u> when considering the potential loss of trees and/or woodland, and the replacement of these.</p> <p><u>Where existing trees and/or woodlands of ecological or landscape importance should be retained, any planning permission will be conditioned to ensure the retention and continued maintenance/management of these features. On-site environmental enhancements including opportunities to create/enhance/restore habitats will also be sought.</u></p> <p>New woodland creation should be sought, where appropriate. In particular this should be encouraged within:</p> <ul style="list-style-type: none"> (i) schemes for the restoration of derelict or contaminated land and sites formerly used for mineral-extraction or industry;

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			<p>(ii) green infrastructure projects, particularly in areas where sustainable development is promoted;</p> <p>(iii) planting schemes along transport corridors; and</p> <p>(iv) schemes to expand and link areas of native woodland taking into account the most up-to-date Rochford Biodiversity Action Plan targets.</p> <p>Conditions will also be attached to planning permissions to encourage the proper management of these important trees and woodlands, where appropriate. In addition to, or instead of, the completion of a legal agreement will be required to secure the provision of a replacement trees and woodlands of equivalent value and/or area as appropriate, and to ensure the future management of these features.</p>
MM49	67	4.17	<p><i>Amend paragraph as follows:</i></p> <p>Existing landscape features such as ponds, hedgerows and tree belts have a vital role to play both in supporting local biodiversity and contributing to the quality and appearance of the local environment. <u>These local landscape features may not have protection offered by national and international nature conservation designations as set out in Core Strategy Policy ENV1, but merit protection through the planning process.</u> Some important hedgerows, <u>however,</u> are also protected by the Hedgerow Regulations¹⁸.</p>
MM50	68	Policy DM26	<p><i>Amend last three paragraphs of the policy as follows:</i></p> <p>Development which would adversely affect, directly or indirectly, the landscape features listed above 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.</p> <p>Where a particular landscape feature is of ecological or landscape importance and should be retained, planning permission will be conditioned to ensure the retention and continued maintenance/management, where appropriate, of this landscape feature. On-site environmental enhancements including opportunities to create/enhance/restore habitats, <u>and to contribute to Water Framework Directive objectives,</u> will also be sought.</p>

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			Conditions will also be attached to planning permissions to encourage the proper management of these important landscape features, where appropriate. In addition to, or instead of, the completion of a legal agreement will be required to secure the provision of a replacement landscape feature of equivalent value, and to ensure the future management of this feature.
MM51	70	Policy DM27	<p><i>Amend policy as follows:</i></p> <p>Planning permission will only be granted for development provided it would not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.</p> <p>In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.</p> <p><u>Proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement in order to:</u></p> <ul style="list-style-type: none"> (i) secure the protection of individual members of the priority species and/or habitats; (ii) minimise the disturbance to the priority species and/or habitats; and (iii) provide adequate alternative habitats to sustain at least the current levels of population for protected species and/or provide a compensatory habitat to offset potential loss or disturbance of a priority habitat. <p><u>In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.</u></p>
MM52	72	4.37	<i>Insert footnote in the first sentence of the paragraph, as amended above, after ‘major development’:</i>

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			<u>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or more.</u>
MM53	76	5.8	<i>Insert footnote in the first sentence of the paragraph after ‘major development’:</i> <u>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or more.</u>
MM54	80	Policy DM32	<p><i>Amend the first paragraph of the policy as follows:</i></p> <p>New and existing employment land should have a predominance of B1 (Business) and/or B2 (General Industrial) employment uses. New employment development will be expected to be <u>predominantly</u> B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered having regard to:</p> <ul style="list-style-type: none"> (i) the number of jobs likely to be provided; (ii) the viability of retaining B1 and B2 uses; (iii) the compatibility with existing uses; (iv) the impact on the vitality and vibrancy of the District’s town centres; (v) the proportion of alternative uses present; and (vi) wider sustainability issues (such as available transport methods). <p>New and existing eEmployment <u>development</u> land should be of a high quality, <u>incorporate</u> safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed uses should be adequately mitigated against.</p> <p>Retail use is not normally permitted on employment land. However where the proposal passes our sequential approach to the location of retail development, then permission may be granted for businesses selling bulky goods.</p>

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MM55	81	Policy DM33	<p><i>Amend the policy as follows:</i></p> <p>Proposals for uses operating businesses from dwellings, which require planning permission, will be supported provided that the use:</p> <ul style="list-style-type: none"> (i) remains linked to the residential use, <u>and residential remains the primary use; such that it does not become a separate commercial unit;</u> (ii) <u>will not result in a residential dwelling that fails to meet the floorspace standards set out in Policy DM4;</u> (ii) (iii) will not have a significant adverse effect on residential amenity; (iii) (iv) will not have a detrimental effect upon the visual character of the surrounding residential area; and (iv) (v) will not create on street parking or unacceptable highway problems. <p>Where such uses are approved they will be subject to appropriate conditions, for example controlling the size and frequencies of delivery vehicles, times of deliveries, visits, etc. as well as a condition relating the use solely to the person who occupies the dwelling and undertakes the activity.</p>
MM56	84	7.8	<p><i>Amend paragraph as follows:</i></p> <p>Whilst encouraging appropriate non-retail uses within the District, such as banks, building societies and restaurants, we <u>the Council</u> will endeavour to ensure that the effect of dead frontage is minimised by requiring that such premises continue to use shop windows for display purposes. Where a non-retail use is proposed (such as A2, A3, A4, A5, sui generis or B1 uses) for ground floor locations in core <u>primary</u> shopping frontages, we <u>the Council</u> will have regard to the appropriateness of the use and the uses already present in the frontage. The proposal should not lead to or add to a concentration of non-retail uses in an individual frontage or parade. As a guide there should be no more than three non-retail uses within a single frontage to create a cluster of uses. <u>there should not be a cluster of any more than two immediately adjacent non-retail uses of the same Use Class. More than two Sui Generis uses adjacent to one another</u></p>

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			<u>may not necessarily be considered a cluster, provided they are distinct and different uses.</u>
MM57	84	Policy DM34	<p><i>Amend the policy as follows:</i></p> <p>The frontages within Rayleigh, Hockley and Rochford’s Primary Shopping Areas will comprise predominantly A1 retail use.</p> <p>The change of use of shopping frontages for non-retail purposes (in particular A3 use which includes restaurants and cafes), which make a positive contribution to the vibrancy and vitality of the town centres will be permitted providing that <u>the proposal would:</u></p> <ul style="list-style-type: none"> (i) the proposal would not have a detrimental impact on, or undermine, the dominance of A1 use businesses within the retail centre <u>not have a detrimental impact on, or undermine, the predominance of A1 uses, both within the town centre as a whole and within the primary shopping frontage;</u> (ii) the proposal would not create a cluster of similar non-retail businesses within the locality <u>not create a cluster of similar non-A1 uses of the same use class within a locality that undermines the retail character of the town centre;</u> and (iii) the proposal would positively contribute to the retail/non-retail offer and encourage people into the town centre <u>entail the provision of a non-A1 use which is considered to positively contribute to the overall offer and encourage people into the town centre.</u>
MM58	85	Policy DM35	<p><i>Amend the policy as follows:</i></p> <p>We <u>The</u> Council will permit the use of the upper floors of shops and other commercial premises <u>in town centres</u> for residential purposes. However, residential development will only be permitted where this would not result in a net loss of leisure or commercial uses within town centre locations. Permission will be granted, where appropriate, to ensure that accommodation is self-contained and suitably located with separate access from the street and that such accommodation provides a satisfactory standard of residential convenience and amenity.</p>

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			Where an Air Quality Management Area (AQMA) is designated, residential conversion of upper floor town centre locations will be restricted until the applicable air quality target is achieved.
MM59	86	DM36	<p><i>Amend the policy as follows:</i></p> <p>We <u>The Council</u> will seek to ensure that retail premises in villages and neighbourhood shopping areas outside town centres are retained.</p> <p>The change of use of the ground floor of existing retail premises to non-retail use outside town centres will be permitted providing that the following conditions are met:</p> <ul style="list-style-type: none"> (i) the loss of the retail unit is justified because the unit is vacant or that an A1 retail use is not financially viable. In either case, applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for retail use, but without success; (ii) the proposed use would serve the day-to-day needs of local residents; (iii) the proposed use would not reduce the quality of life of residents living in the immediate vicinity of the premises, as a result of noise, on-street parking, disturbance, cooking smells, litter or other factors; (iv) the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and (iv) where the proposal relates to premises with an existing shopfront, the shop window would continue to be used for display purposes. <p>The conversion of retail uses to residential is generally not supported.</p> <p>The change of use of existing non-retail units within villages and neighbourhood shopping areas (such as offices, hair dressers, takeaways and pubs), to residential use may be considered favourably (except if within the Green Belt) if it can be demonstrated that the loss of the existing use is justified because the unit is vacant, or the use is not financially viable. <u>Proposals to change non-retail units in the Green Belt to</u></p>

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			<p><u>residential use will be permitted provided that the proposal:</u></p> <ul style="list-style-type: none"> <u>(i) is well related to a defined residential settlement;</u> <u>(ii) is well related to local services and facilities;</u> <u>(iii) has good connections to the strategic road network;</u> <u>(iv) would promote sustainable transport modes;</u> <u>(v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</u> <u>(vi) is located within the South Essex Coastal Towns landscape character area.</u> <p>Applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for an alternative non-retail use or for retail use, but without success</p>