



PLANNING APPLICATIONS WEEKLY LIST NO.1653
Week Ending 17th February 2023

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 28.03.2023.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **22nd February 2023** this needs to include the application number, address and the planning reasons for the referral via email to the Corporate Services Officers Corporate.Services@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone Corporate Services 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 Phil Drane, Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

- 1. 22/01027/FUL - Land Opposite Bricklayers Arms Tenders Avenue Rayleigh pages 2 – 12
- 2. 22/01028/FUL - Paglesham Boatyard, Workshop Waterside Road Paglesham pages 13 – 21
- 3. 22/01003/FUL - 7 London Hill Rayleigh pages 22 – 30
- 4. 23/00018/FUL - Land Rear Of 24 And 26 Stambridge Road Rochford Pages 31 – 51
- 5. 22/01206/FUL - Land South Of Orchard Cottage Rayleigh Downs Road Rayleigh pages 52 - 66

Application No :	22/01027/FUL Zoning: MGB
Case Officer	Mr Thomas Byford
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Land Opposite Bricklayers Arms Trenders Avenue Rayleigh
Proposal :	Variation of condition 3 (drawing numbers) of approved application ref: 22/00371/FUL (Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow, with access and drive onto Trenders Avenue) to provide amended drawings showing changes to external materials and fenestration, roof alteration

SITE AND PROPOSAL

1. The application site is located on the eastern side of Trenders Avenue which is a private street located off the northern side of Rawreth Lane. The road serves a number of dwellings which are located sporadically along the street. The road is unmade and the dwellings are predominantly modest in scale and located within large plots of land. Together, this creates a rural character and appearance to the street. On the application site are two dilapidated stables which are sited towards the rear of the site.
2. The application site is located within the Metropolitan Green Belt. The site is noticeably open with the absence of much built form with the exception of the two buildings and some paddock fencing. This is a distinctive characteristic of the Green Belt which planning policy seeks to safeguard. The site is largely adjoined by odd plots with one or two buildings haphazardly placed within them. Trees and shrubs create distinctive boundaries between each plot. There are a number of trees and a pond located within the southern area of the application site.
3. Planning permission is sought for the demolition of the existing stable blocks and the construction of 1no. detached bungalow dwelling. The proposed dwelling would have an 'L' shape and would be sited within a similar location to the existing stables. It would comprise a simple design that is not overly distinctive of local character.
4. The application follows a recent committee decision to approve application reference: 22/00371/FUL for the demolition of the existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow, with access and drive onto Trenders Avenue.

5. The applicant seeks to vary Condition 3 on the decision notice for application reference 22/00371/FUL which reads as below:

'The development hereby permitted shall be carried out in complete accordance with the following approved plans: 450; 451; 452;

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

6. The applicant seeks approval to vary Condition 3 on the decision notice so that it would read:

'The development hereby permitted shall be carried out in complete accordance with the following approved plans: 450; 200; 452;

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

7. The proposed alterations to the dwelling include;

- A change in roof form to include an additional gable end on the north elevation, replacing the approved gable and hipped design.
- The removal of the approved window to the north elevation
- Two new windows serving the bathroom and kitchen set into the northern elevation.
- A change in window design to the gable on the west elevation
- The removal of the other window to the west elevation.
- The addition of one rooflight to this roof slope
- The removal of two windows to the eastern elevation.
- The addition of three rooflights set into the eastern roof slope.
- A widening of the front door by some 0.50m
- The addition of a single roof light to the southern roof slope.
- The replacement of the approved doors and associated fenestration with a gable glazed window and door set.
- A change in external materials from the approved facing brick, render and horizontal black timber cladding to just brick and cladding.

RELEVANT PLANNING HISTORY

8. Application No. 21/01325/FUL - Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow with access and drive onto Trenders Avenue – Refused 31.03.2022.
9. Application No. 22/00371/FUL - Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build

bungalow, with access and drive onto Trenders Avenue – Permitted 25.08.2022.

10. Application No. 22/00950/DOC - Discharge of condition no 4 (protected species) of planning permission ref: 22/00371/FUL (Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow, with access and drive onto Trenders Avenue) – Discharged 24.11.2022.

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).

Principle of the Development

13. The principle of a detached dwelling of the scale, design and siting with an access from Trenders Avenue has already been permitted within this location by the previous application (ref: 22/00371/FUL.). The assessment of this application will therefore solely relate to the amendments as described in paragraph 7 of this report.

Impact on the Openness of the Green Belt

14. With the principle of the dwelling in the Green Belt already approved and with the proposed alterations not increasing the footprint of the dwelling, it is not considered that the changes be of any greater detriment to the openness of the Green Belt than the approved scheme under application 22/00371/FUL).

Change of use from Green Belt to residential garden

15. With the principle of this change of use already approved, it is considered that the proposed alterations would not have any further impact in this regard.

Impact on Character

16. The overall footprint of the dwelling would not be increased with the proposed alterations, and it is not considered that the alterations would have a significant impact on the design and appearance of the

dwelling. The relationship of the proposed dwelling to the surrounding area would remain as approved.

17. The proposed alterations to the external materials, fenestration and roof form as outlined in paragraph 7 would not be considered to have a detrimental impact upon the appearance of the dwelling. The quality of the development would be maintained by the amendments and as such the character of the area would not be diminished as a result.
18. Given the minor amendments of the proposed scheme, it is considered that the proposed development would not have an impact detrimental to the visual amenities of the area that would be greater than the approved scheme. The proposed development would still be considered to reflect the wider character in accordance with Policy CP1 of the Core Strategy and Policy DM1 and DM3 of the Development Management Plan.

Impact on Residential Amenity

19. The application site would not adjoin to any existing residential properties. It would be sited opposite the Bricklayers Arms but given its location to the rear of the site, impact would be limited. With the proposal alterations in fenestration in place, the development would not be considered to give rise to overlooking, overshadowing or be overbearing. It would therefore be seen to comply with Policy DM1.

Garden Size

20. 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.
21. Supplementary Planning Document 2 (Housing Design) requires the provision of a minimum useable private garden area for new dwellings of 100m² with the exception of one and two bedroom dwellings which can provide a minimum garden area of 50m².
22. The proposed alterations would not alter the approved garden area under application 22/00371/FUL and therefore the proposal would be compliant with the SPD2 in this regard.

Sustainability

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

24. 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.
25. 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.
26. A one bedroomed 2 person dwelling would be required to provide an internal floor space of 50m² with 1.5m² of built in storage. The proposed alterations would not alter the floorspace approved under application 22/00371/FUL and therefore would be considered to comply with the technical housing standard requirements.

Highway Safety

27. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Policy DM30 adopts the Essex Planning Officers Association (EPOA) parking standards. Quality urban design dictates that care should be taken that the parking layout does not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.
28. The approved parking provision under application 22/00371/FUL would be retained with the alterations in place. It is not considered that the proposed development would give rise to on-street parking pressure to the detriment of highway safety or the free flow of traffic and therefore, no objections are raised that could be sustained on appeal. The proposed development is considered to comply with Parking Standards and policy DM30 of the Development Management Plan.

Refuse and Recycling

29. The site is still considered to provide adequate space with the proposed dwelling in place for the Council's 3 bin system.

Trees and Ecology

30. The trees located on the site are not of great significance. It is unlikely that any impact would result from the proposal upon these trees, therefore no objection is raised. The Bat Survey prepared by Essex

Mammal Surveys submitted with the application indicates that there was no evidence of the presence of bats on the site.

31. Policy DM27 of the Development Management Plan outlines that proposals should not cause harm to priority species and habitats. There is a pond located within the south east corner of the site. It is considered that the application site would be an ideal location for the commuting and foraging of Great Crested Newts to this pond due to the scrub and grassland. There is also the potential for other ecological groups to be present on the site due to these conditions. Great Crested Newts are designated and protected as European protected species under the Conservation of Habitats and Species Regulations 2017.
32. As the site is within 500m of a water body (such as a pond) and includes refuges suitable for aquatic habitats, an ecological survey would be required to ensure that no harm would be caused as a result of the development in accordance with Natural England standing advice.
33. The Council's Ecological Consultant reviewed the initial Ecological survey and issued a holding objection due to a lack of information available to determine the impact of the development upon Great Crested Newts. Officers have liaised with the Ecological Consultant who has confirmed that were the applicant to enter into the Essex District Licensing Scheme and an Impact Assessment and Conservation Payment Certificate (IACPC) be submitted to demonstrate the applicant's intention and eligibility to enter this scheme, the holding objection would be withdrawn.
34. The applicant has subsequently provided the Council with the signed IACPC which has also been counter signed by Natural England. The Council's Ecological Consultant has confirmed that the application can demonstrate compliance under the Conservation of Habitats and Species Regulations 2017 (as amended) in regard to Great Crested Newts. It was conditioned on the decision notice under application reference 22/00371/FUL that the Great Crested Newt Licence should be secured prior to commencement. This condition (Condition 4) has been subsequently discharged under application reference 22/00950/DOC as A Great Crested Newt Licence has been submitted demonstrating that the site has been registered under the Essex District Level Licensing Scheme for Great Crested Newts. Therefore, it is considered that the proposal has appropriately mitigated against any potential harm upon Great Crested Newts and the development would be in accordance with Policy DM27 as a result.

Off Site Ecology

35. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

(RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

37. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

38. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.

39. The applicant has paid the suggested financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

CONCLUSION

APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council:

'Having considered the application noted above, Rawreth Parish Council now look to the District Council of Rochford to determine under the relevant planning policies if very special circumstances are met which override the inappropriate further development in the Green Belt and that the applicant can demonstrate that the harm by way of inappropriateness and any other harm is clearly outweighed by other considerations such as amount to very special circumstances.'

Neighbour representations: No comments received.

Other consultation comments from the approved application (22/00371/FUL) are below:

Essex County Council Place Services Ecological Consultant (first response):

We are not satisfied that sufficient ecological information is available for determination, unless a presence / likely absence survey is completed for Great Crested Newt. Alternatively, further clarification from the applicant's ecologist could be provided, to provide additional justification upon the likely risk to Great Crested Newt from the proposals.

Essex County Council Place Services Ecological Consultant (second response):

I can confirm that the attached Countersigned IAPC has been completed appropriately. Therefore, RDC can demonstrate compliance under the Conservation of Habitats and Species Regulations 2017 (as amended) in regard to Great Crested Newt for the related application. It is indicated that the Great Crested Newt Licence should be secured as a pre-commencement condition.

Essex County Council Highway Authority:

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

1.The public's rights and ease of passage over public bridleway no 64 (Rawreth) shall be maintained free and unobstructed at all time.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

2.Prior to first occupation of the development, 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.

3.Prior to first occupation of the 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.

Relevant Development Plan Policies:

National Planning Policy Framework 2021
Core Strategy Adopted Version (December 2011) Policy CP1, H1, H6, ENV1, ENV9

Development Management Plan (December 2014) Policy DM1, DM3, DM4, DM10, DM22, DM25, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

1.The development hereby permitted shall be begun before 24th August 2025.

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 external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 and DM3 of the Development Management Plan.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 450; 200; 452;

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

4. The agreed mitigation in respect of protected species shall be carried out in compliance with those details submitted as part of 22/00950/DOC and as confirmed by the Council's decision letter dated 24th November 2023.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 of the Crime & Disorder Act 1998.

5. Prior to first use of the dwelling on site hereby approved, details of the boundary treatments (including elevations and materials) shall be submitted to and agreed in writing by the local planning authority. Those details agreed shall be retained on site thereafter.

REASON: To ensure that the boundary treatments are in keeping with the rural character of the Green Belt.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no gates, fences, walls or other means of enclosure, shall be erected within the application site other than those shown on the approved drawings.

REASON: To enable the Local Planning Authority to retain adequate control over such means of enclosure, in the interests of maintaining the green belt and rural character of the site.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that

Order, with or without modification) no extensions or roof alterations shall be erected on any elevations of the dwelling hereby approved or outbuildings erected within the curtilage of the dwelling hereby approved.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions, in the interests of protecting the open character of the Metropolitan Green Belt.

8. The residential curtilage of the dwelling hereby approved shall only include the area shown hatched and outlined in green on the approved layout drawing no. 452 the subject of Application No. 22/00371/FUL. At no time shall the wider application site be used as residential curtilage.

REASON: In the interests of protecting the character and openness of the Green Belt.

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

Application No :	22/01028/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Paglesham Parish Council
Ward :	Roche North And Rural
Location :	Paglesham Boatyard, Workshop Waterside Road Paglesham
Proposal :	Extend existing concrete pier head.

SITE AND PROPOSAL

1. The application site is located on the southern side of Waterside Road. Located immediately to the south of the application site is a detached dilapidated boat shed which incorporates a corrugated tin roof and weather-boarded walls. Whereas to the north west is a public footpath which traverses this aspect of the application. Beyond the footpath are several outbuildings which are used by Paglesham Boatyard. According to the Councils GIS database the application is located wholly within the Metropolitan Green Belt and lies within the River Roach.
2. According to the submitted planning application forms and plans the proposal is to extend the existing concrete pierhead to allow the mooring of boats that are being worked on. The extension would replace an existing wooden structure that links the current pierhead to a wooden pier.

RELEVANT PLANNING HISTORY

3. Application No. 22/01038/FUL - Demolition of existing extremely dilapidated boat house and erection of new boat house – Not Yet Determined.
4. Application No. 98/00175/FUL - Pontoon - Extension of Existing Jetty (Revised Submission Following Application F/0495/96/ROC) – Approved.
5. Application No. 96/00495/FUL - Construct Pontoon Pier – Refused.
6. Application No. 90/00466/SEC53 - Extension to Existing Building (Section 53 Determination) Formerly Shuttlewoods Boatyard – Refused.
7. Application No. 89/00620/FUL - New building for boat repairs– Refused.

8. Application No. 88/00929/FUL - Construct new quay and pontoon pier and concrete over existing hardstanding – Refused.
9. Application No. 87/00074/COU – Change of use from boat yard to general industrial storage use – Withdrawn.

MATERIAL PLANNING CONSIDERATIONS

10. 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.
11. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt and Coastal Protection Belt

12. According to the Councils GIS database the application site is located wholly within the Metropolitan Green Belt and within an SSSI.
13. Policy DM11 acknowledges that existing lawful businesses make an important contribution to the local economy; however, their location still merits Green Belt designation.
14. The policy goes on to enunciate that the Council recognizes the importance of encouraging and sustaining local economic growth throughout the District, but this needs to be weighed against the impact of business operations on the objectives of the Green Belt, in particular its openness as well as wider sustainability objectives. The Council will support lawfully established businesses in appropriate and accessible locations to encourage the vitality of the local economy and to fulfil the potential of local businesses. To preserve openness as far as possible and to protect the character of the Green Belt, existing lawfully established businesses will in principle be allowed to increase the gross floorspace of the original building where existing business operations are taking place. The 'original building' in this case refers to the floor area as at 1948 or later (depending on when the building was constructed). However, if no original plans or plans for extensions are evident in the planning records, then the Council will assume that the current building is original. The size and scale of proposed extensions must be proportionate and will be determined on a case by case basis taking into consideration the National Planning Policy Framework (NPPF).

15. Policy DM11 (Existing Businesses in the Green Belt) states inter alia that extensions and/or changes of use that relate to an existing business which is lawfully established and would not be detrimental to nature conservation interests, landscape character, the historic environment, the best and most versatile agricultural land or residential amenity and the development shall be designed to minimize impact on the character, appearance and openness of the Green Belt.
16. In relation to the above, Paglesham Boatyard is an important existing local business which construct, maintain and repair boats. It is proposed to extend the existing concrete pierhead to allow the mooring of boats that are being worked on. The extension would replace an existing wooden structure that links the current pierhead to pontoon. The proposed pierhead will be attached to the existing pierhead and the proposal will extend approximately 18m and the footprint of jetty is elongated rectilinear in shape. The jetty will then be physically connected to the existing pontoon.
17. It is considered that the proposal is relatively small scale and is functional in form and appearance and is assessed to be of an acceptable design and construction in accordance with policies DM1 and DM11. Furthermore, it is considered to have a minimal impact on the openness of the Green Belt due to the small-scale design of the proposal and an appropriate addition to the river front, sympathetic with the surrounding landscape and will be of an important benefit to a local business, which is an important material planning consideration. Consequently, it is not therefore considered to conflict with the relevant Green Belt policies contained within the NPPF.
18. The proposal would also be compliant with Policies ENV1 and ENV2 of the Core Strategy 2011 and afford the necessary protection required to the Coastal Protection Belt and the local wildlife habitats. The detailed construction of the jetty is regulated by both the Environment Agency and The Crouch Harbour Authority of which permits to work are required to be obtained. Conditions to be applied to any grant of planning permission have been submitted by the Environment Agency to prevent any impact on the existing flood defenses. This proposal is therefore considered to be acceptable subject to compliance with conditions and obtaining the required Work Licenses.

Impact on Residential Amenity

19. Paragraph 130 (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.

20. According to the submitted plans and the case officers site visit the nearest residential properties are located to the north west of the application site. There is a distance in excess of 200m separating the application site from these properties. Furthermore, there are numerous outbuildings, trees, and hedges located within the intervening gap.
21. Overall, it is considered given the separation distances and the intervening structures/vegetation will all help to mitigate any negative externalities caused by the proposed development and as such the development accords with policy DM1.
22. The case officer noted that there is a public footpath which traverses the entire north western aspect of the application site. It is considered that the proposal will not have any significant detrimental impact on the users of this footpath as the proposed jetty is replacing an existing structure, so additional activity would not be introduced in this location.

Impact on Coastal Protection Belt

23. Policy ENV2 of the Core Strategy sets out that the council will protect and enhance the landscape, wildlife and heritage qualities of the coastline. Development which is exceptionally permitted shall not adversely affect the open and rural character, historic features or wildlife and must be located in a coastal location within the already developed areas of the coast.
24. The NPPF and its technical guidance is a set of planning policies with the key objective to contribute to the achievement of sustainable development. As part of it, they ensure that flood risk and sustainability are taken into account during the planning process. This ensures that developments are not located in flood risk areas and directs developments to lower risk areas. The NPPF applies a sequential risk-based approach to determining the suitability of land for development in flood risk areas. The NPPF also encourages developers to seek opportunities to reduce the overall level of flood risk through the layout of the development and the application of Sustainable Drainage Systems (SuDS).

25. According to the Environment Agency (EA) Flood Risk Map the application site is located entirely within Flood Zone 3. Consequently, colleagues in the Environment Agency have been consulted and state *“The application site is in flood zone 3, the high probability zone and no Flood Risk Assessment (FRA) has been submitted. However, having considered the proposal, we are confident that the nature of the development will not increase flood risk and therefore on this occasion are not objecting”*. They go on to stipulate *“You may consider that an emergency plan is required for the development, to ensure that flood risk is managed during the construction of the development – this should be discussed with your emergency planners”*. The case officer made colleagues in the EA aware that some applications cannot be viewed on the Councils website due to IT issues. Consequently, the EA updated their response stating that *“our position remains the same for this application, the emergency plan should be run past the emergency planners, as its their remit, to ensure they are satisfied that the risk in construction in particular can be managed”*.
26. The Councils Emergency Planner originally objected to the FRA as the emergency plan was not sufficiently robust and lacked clarity on several issues. The applicant subsequently updated their FRA and following the receipt of the amended FRA the Councils Emergency Planner raises no objection to the proposed development. Therefore, it is the case officers view that the proposed development complies with the relevant policies contained within the Development Management Plan, Core Strategy and the NPPF.

Ecology

27. The proposed development would be located within the Essex Estuaries Special Area of Conservation (SAC), Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). The River Crouch and Roach estuaries are designated due to the importance of these estuaries for wintering waterbirds.
28. Policy ENV1 outlines that the Council will maintain, restore and enhance sites of international, national and local nature conservation importance which includes the SACs, SPAs, Ramsar Sites and SSSIs.
29. The applicant has submitted an ecological assessment produced by Essex Mammal Surveys dated October 2022 to assess what impact (if any) the proposed development may on the SAC, SPA, Ramsar Sites or SSSI. The report concludes that *“The site is of concrete and*

gravel and has no Priority habitats. Although Hedgehogs and Common Toad have not been recorded within 1km of the site, it is possible that they are present. It is therefore recommended that any trenches dug during the construction phase are covered at night, or, if open, that sloping planks are left in the trench such that any mammals and amphibians are able to escape. All open trenches should be checked for mammals and amphibians each morning.

30. *The site has no suitable habitat to support Harvest Mouse, Otter, Water Vole, Hazel Dormouse or White-clawed Crayfish”.*
31. Colleagues in Natural England have been consulted and stipulate that the proposed works, as set out in the information provided, are sited within a Marine Conservation Zone (MCZ). Blackwater, Crouch, Roach and Colne MCZ has been designated due to the presence of:
- Intertidal mixed sediments
 - Native oyster (*Ostrea edulis*)
 - Native oyster (*Ostrea edulis*) beds
 - Clacton Cliffs and Foreshore
32. Having reviewed the evidence relating to the site we believe that the works will not hinder the conservation objectives of this site; so long as they are undertaken in strict accordance with the information provided by the applicant. They go on to state that *“we can confirm that the proposed works are located within Crouch and Roach Estuaries SSSI and adjacent to Foulness SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified”*. Colleagues in Natural England raise no objections subject to the imposition of a condition relating to wintering birds.
33. In conclusion, colleagues in Natural England have been consulted and raise no objection to the proposal providing all the mitigation outlined in the assessment are secured. There is no reason for the Local Planning Authority to take an alternative view.

CONCLUSION

34. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Paglesham Parish Council: No objections to raise.

Neighbour Representations: No responses received.

Environment Agency: Our position remains the same for this application, the emergency plan should be run past the emergency planners, as its their remit, to ensure they are satisfied that the risk in construction in particular can be managed.

Natural England: No objection subject to conditions relating to wintering birds, storage of equipment, and recommendations of the protected species survey to be implemented and standard informatives.

Rochford District Council Emergency Planner: No objections

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy CP1, ENV1, ENV2

Development Management Plan (December 2014) Policy DM1, DM11

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 hereby permitted shall not be carried out other than in accordance with the approved plans: 22.161/010, 22.161/020, and 22.161/030 received by the Local Planning Authority on the 25th October 2022.

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

3. No materials or waste associated with the proposed development shall be deposited or stored within, or immediately adjacent to the boundaries of the Crouch and Roach Estuaries SSSI, SPA and Ramsar site other than in accordance with a construction management plan which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over details during construction to protect foreshore habitats within the designated site in accordance with the National planning Policy Framework and policies DM27 and ENV2 of the Rochford District Local Development Framework.

4. The development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application.
 - i) Essex Mammal Survey dated October 2022
 - ii) Plan references 22.161/010, 22.161/020, and 22.161/030 received by the Local Planning Authority on the 25th October 2022.

All the biodiversity mitigation measures shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority, and all mitigation measures shall thereafter be permanently retained for the stated purposes of biodiversity conservation.

REASON: To ensure that biodiversity and the wider SSSI, SPA and Ramsar site are protected at all times.

5. Notwithstanding the plans hereby approved there shall be no storage of equipment, plant or materials on the foreshore unless otherwise first agreed to in writing by the Local Planning Authority.

REASON: To ensure that biodiversity and the wider SSSI, SPA and Ramsar site are protected at all times.

6. All construction work must be completed outside of the overwintering bird period, between October and April inclusive.

REASON: To avoid disturbance to the overwintering birds, an interest feature of the SSSIs and SPAs, which use the area from October to April inclusively.

7. The Flood Risk Assessment and Flood Emergency and Evacuation Plan produced by RIDA and dated January 2023 shall be adhered to in full as part of the demolition, construction and on-going maintenance phases, unless otherwise first agreed to in writing by the Local Planning Authority.

REASON: To prevent flooding and to ensure that there are satisfactory evacuation procedures in place in the event that there is a flood.

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

Application No :	22/01003/FUL Zoning : Conservation Area
Case Officer	Ms Katie Fowler
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	7 London Hill Rayleigh Essex
Proposal :	Installation of new solar panels to the rear of the pitched roof.

SITE AND PROPOSAL

1. The application site is located on the corner of London Hill and Bellingham Lane and serves the Rayleigh Conservative Club. The building is of 19th century origin and encompasses later 20th century additions. The site is located towards the outskirts of Rayleigh Conservation Area but is prominent in its location, including the rear elevation onto Bellingham Lane, due to its siting on a corner of two streets. It is also within close proximity to the Grade II listed Rayleigh Windmill and 13 – 17 London Hill, Rayleigh Church and the Scheduled Monument of Rayleigh Mount.
2. Planning permission is sought for the erection of 19 solar panels to the rear roof of the building to which the application relates. The panels in total are proposed to produce an average of 7.94MWh of electricity per annum.
3. Although the Town and Country Planning (General Permitted Development) (England) Order (2015) allows for the installation of solar panels within the Conservation Area, it prohibits the installation of solar panels in the Conservation Area where that elevation faces a highway. In this case, the corner plot location means that the solar panels would front the highway of Bellingham Lane.

RELEVANT PLANNING HISTORY

4. Application No. 92/00514/FUL – single storey rear extension and add pitched roof to existing two storey rear building – Permitted.
5. Application No. 98/00387/CON – ground floor side extension (toilets). Demolish part of existing boundary wall – Permitted.
6. Application No. 98/00386/FUL – ground floor side extension to form toilets. Demolish part of existing boundary wall – Permitted.
7. Application No. 01/00731/COU – change of use of part first floor from residential flat to office use – Permitted.

8. Application No. 02/00492/ADV – display non illuminated sign – Refused, appeal dismissed.
9. Application No. 04/00441/COU – conversion of part of first floor office into one 2-bed self-contained flat – Permitted.
10. Application No. 11/00671/FUL – re-location of entrance to club premises and lobby extension – Permitted.
11. Application No. 16/00462/FUL – to remove redundant front door and canopy and replace with white concrete weather boarding, replace existing white pvc cladding with material to match – Refused.
12. Application No. 17/00708/FUL – remove redundant front door and canopy together with PVC cladding and render the front apart from the yellow stock brickwork – Permitted.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development
15. The golden thread of sustainable development entwined throughout the National Planning Policy Framework (NPPF) comprises three dimensions. These are economic, social and environmental. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
16. In relation to paragraph 8(c), the NPPF contends that the environmental objective is to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.
17. Rayleigh Conservation Area as a designated heritage asset is covered by the Rayleigh Conservation Area Appraisal which contends that Rayleigh is a traditional market town, the evidence for which is still clear by the layout of the High Street.

18. The recent NPPF consultation has provided greater weight to applications for renewable energy. However, the revision still attributes weight to the preservation of the historic environment.

Impact on Conservation Area

19. Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
20. Paragraph 206 sets out that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset, should be treated favourably.
21. Bellingham Lane follows the line of the former outer bailey ditch of the castle. Bellingham Lane can be seen on the historic maps of Rayleigh and forms an important understanding for the historic context and evolution of the market town of Rayleigh.
22. The proposed installation of solar panels onto the rear roof space of the application building would be visible within the Rayleigh Conservation Area and the street scene of Bellingham Lane. The solar panels would be considered an incongruous feature given that they would appear overly modern and of a shiny material that would appear in sharp contrast to the historic context of Rayleigh Conservation Area.
23. It is acknowledged that the existing building is a negative contributor. Nevertheless, due to the location of the proposed solar panels, they would feature prominently within the street scene of Bellingham Lane thereby drawing more attention to an already negative building. The development would therefore not be considered to preserve the Conservation Area.
24. Specialist advice has been sought from Place Services Historic Buildings and Conservation team who have advised that the proposal would result in less than substantial harm to the significance of the Rayleigh Conservation Area. Less than substantial harm is material harm and as per paragraph 199 of the NPPF, this should be attributed great weight.
25. Paragraph 202 of the NPPF thereby becomes relevant, outlining that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (i.e. the Conservation

Area), this harm should be weighed against the public benefits of the proposal.

26. The National Planning Practice Guidance (NPPG)¹ further details what is meant by the term public benefit (ref ID: 18a-020-20190723). It states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public Benefits

27. It is noted that the proposed solar panels would sustainably generate 7.94MWh of electricity per year reducing grid reliance by 19%, as such contributing to climate change mitigation targets to which weight in favour of the application is attached.
28. The submitted Executive Summary which has been submitted to accompany the Energy Report discusses that the applicant has taken a fabric first approach by upgrading the fabric to improve the thermal performance of external elements. This has included increasing levels of insulation, improving air tightness, installation of new cavity insulation and the presence of electric fan heaters and modern appliances which are under 10 years old. This demonstrates that the applicant has taken a holistic approach to addressing their consumption to ensure the maximum performance of the PVs is achieved. In addition, a battery storage facility has been proposed to store electricity during the hours of daylight when the club is closed. Both of these elements demonstrate that the scheme has been well thought out and considered the function of the proposal within the application building. These factors combined have led to the proposal for 19 solar panels which the Executive Summary discusses have been designed based on the maximum panels possible to offset as much of the consumption as possible.
29. The proposal would subsequently reduce CO2 emissions by 1.85 tonnes each year. It is acknowledged that this would go some way to addressing the NPPF target to reduce greenhouse gas emissions. However, it is calculated that the current CO2 emissions produced by the use of the building are some 16.845 tonnes (based on their annual consumption of 42MWh), as such there would still be some 15 tonnes of CO2 produced each year with the PVs installed. It is acknowledged that there is a need to increase the use of renewable energy and to improve the energy efficiency of buildings, however, due to the scale of the development, the reduction in CO2 emissions equates to a limited

¹ [NPPG – Historic Environment](#)

public benefit that does not outweigh the harm to the Conservation Area. Such a judgement was reached by an appeal decision in Oxford (app ref: APP/G3110/D/20/3247562).

30. The proposed solar panels would be of a slimline design that is reversible in the future. However, the harm would still result to the Conservation Area whilst the PVs remained which could be for an significant period of time of many years.
31. Within the Executive Summary it is mentioned that the solar panels would reduce the fuel bill of the business and would ensure its conservation in the long term. It is acknowledged that energy bills have increased significantly in the past year, however, this is not unique to the applicant but across many businesses. No viability statement has been submitted with the application which would outline that were PVs not installed that the use would have to cease due to running costs. Further, the business is not of such significance to the Conservation Area such as other community facilities (e.g. pubs, post offices etc.) where a more clear benefit to the public at large of the use could be demonstrated. This is represented by its location outside of the primary or secondary retail frontage within the Rayleigh Centre Area Action Plan. Officer's view is that by permitting an application for PVs in a prominent location for one business within the Conservation Area is harmful to the street scene of Bellingham Lane. Instead, a precedent could be set for other businesses within the Conservation Area who also wish to save money to install PVs on prominent elevations to the further detriment of the quality of this heritage asset.
32. To withhold consent would not be an act restrictive or obstructive to the installation of PVs within the Conservation Area in principle, but rather such installations need to be sited sensitively as otherwise the quality of the Conservation Area would be diminished by the installation of modern features throughout. It should be noted that the preservation or enhancement of the Conservation Area is in itself a public benefit and this is recognised by the NPPG (ref ID: 18a-020-20190723). To do otherwise would be a disbenefit.
33. The applicant has not presented within the application a benefit to the public at large (as required by the NPPF and NPPG) but rather a limited reduction in CO2 and a clear private benefit in the reduction of energy costs. It is understood that the energy costs that the country are facing are of detriment to many businesses, however, the answer must not at the same time diminish the quality of the Conservation Area and heritage assets as discussed above. It is not being argued by the applicant that without the installation of the PVs the business would cease.
34. Paragraph 8 of the NPPF (noted above) makes clear that an environmental objective of achieving sustainable development also includes contributing to protecting and enhancing the built and historic

environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation.

35. In a recently dismissed appeal in Uttlesford (ref: APP/C1570/W/22/3294001) the Inspector noted that although considerable weight is afforded to the public benefits of green energy production, he was not satisfied that the scale of the benefits would be sufficient to outweigh the harm to the Conservation Area. It is acknowledged that the context of the appeal site and proposal differs from that of the application site, nevertheless, the test and planning balance is still applicable.
36. There is clear interest both locally and nationally to promote renewable energy and this is evidenced by the granting of permission for a number of solar farms within the district (app ref: 21/00605/FUL South Fambridge Hall, app ref: 14/00649/FUL Land North East of Ulverston, app ref: 15/00190/FUL London Southend Airport). However, it is clear from the aforementioned appeal decision and national policy, that this must be weighed up in the interest of preserving the historic environment.
37. It is considered that the public benefits would be a relatively small contribution towards mitigating the effects of climate change as such, they would not outweigh the greater harm that has been identified to the Conservation Area and thus would not be an environmental public benefit overall, conflicting with the NPPF.

Other Considerations

38. The applicant has pointed to an example of PVs within the Conservation Area which they consider would mean that the proposal would not be out of character within the Conservation Area. This example is No. 22-24 Bellingham Lane which is a new dwelling that was granted permission in 2015 (ref: 15/00317/FUL). A photo of this dwelling and its relationship with the application site can be seen below.

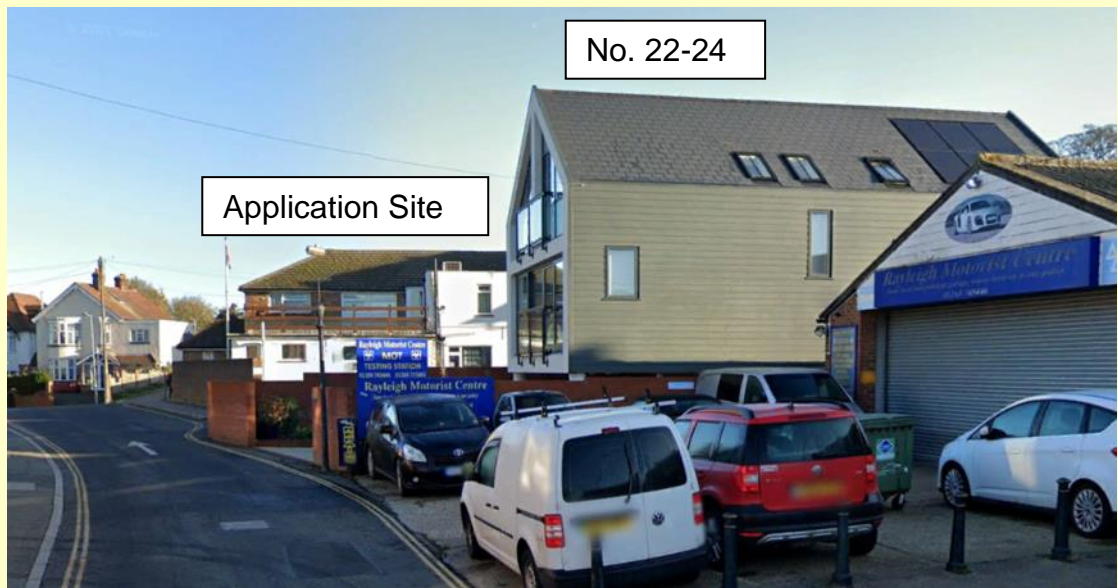


Photo 1: Street scene photo of Bellingham Lane which shows No. 22-24 and the application site.

39. It is acknowledged that there are PVs present on No. 22-24 Bellingham Lane. These were approved as part of the discharge of condition to provide 10% renewable energy.
40. Nevertheless, these panels are set towards the rear of the building and are partially shielded by the service centre to the south of the site from some viewpoints. It is considered that these panels have less of an impact on the Conservation Area than those proposed to the application building which are proposed across the entire rear roof slope of the building to which this application relates.
41. It has been suggested to the applicant that the number of panels proposed be reduced and moved to the western end of the roof, or alternatively, the panels be installed to the flat roof of the existing rear extension. However, the applicant did not feel that these solutions would achieve the level of energy they wished from the scheme.
42. Overall, it is considered that the proposal would result in less than substantial harm to the Conservation Area which would not be outweighed by public benefit conflicting with paragraph 202 of the NPPF. The development would fail to preserve or enhance the character or appearance of the Conservation Area contrary to paragraph 206 of the NPPF, part (viii) of Policy DM1 of the DMP and Policy ENV1 of the Core Strategy.

CONCLUSION

43. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments have been received.

Essex County Council Place Services Historic Buildings and Conservation advice:

It is proposed to install solar panels to the rear roof of the Conservative Club. The proposed solar panels shall be visible from within the Rayleigh Conservation Area and its street scene, thereby introducing an incongruous feature which would fail to preserve the character or appearance of the Rayleigh Conservation Area. I acknowledge that the existing building is a negative contributor and that there has been recent surrounding development however due to the location of the proposed solar panels, these shall feature prominently. Furthermore, whilst I acknowledge the existing building has been identified as a negative contributor, the cumulative impact of further negative additions to the Conservation Area should be avoided. In consideration of this, the proposals would result in less than substantial harm to the significance of the Rayleigh Conservation Area, this being at the lowest end of the spectrum.

I acknowledge that for this building there is a lack of other viable locations however the visibility of the existing roof is a fundamental constraint of the site. I note there is a flat roofed extension to the rear, would it be possible to place low-profile solar panels in this location? This would potentially have little to no impact as the panels would not be visible.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy ENV1

Development Management Plan (December 2014) Policy DM1

National Planning Practice Guidance (2021)

RECOMMENDATION: REFUSE

Reasons for refusal:

1. The proposed installation of 19 solar panels upon the application building would be considered to introduce incongruous features which would fail to preserve the character and appearance of the Rayleigh Conservation Area. The harm has been identified as less than substantial and in accordance with the National Planning Policy Framework (NPPF) must therefore be outweighed by public benefit. The public benefit of green energy production would not be of a scale that the benefits would be sufficient to outweigh the harm to the Conservation Area, the preservation of which is in itself a public benefit,

and thus would not be an environmental benefit overall (in accordance with paragraph 8 of the NPPF). The development would therefore conflict with paragraph 202 of the NPPF and would fail to preserve or enhance the character or appearance of the Conservation Area contrary to paragraph 206 of the NPPF, part (viii) of Policy DM1 of the Council's Development Management Plan (2014)(and Policy ENV1 of the Council's Core Strategy (2011).

The local Ward Members for the above application are Cllr. M. Wilkinson, Cllr. J. Lawmon and Cllr. A. G. Cross.

Application No :	23/00018/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Land Rear of 24 And 26 Stambridge Road, Rochford.
Proposal :	Demolition of existing garage, with proposed new dwelling and associated development. Resubmission of 22/00790/FUL

SITE AND PROPOSAL

1. The application site is located on the eastern side of Stambridge Road. The area is predominately residential in character and is located wholly within the settlement of Rochford. There is an eclectic mix of properties on Stambridge Road comprising bungalows, 1.5 storey properties, detached and semi - detached dwellinghouses. A wide palette of materials has been used in their construction including differing facing brick, render and various roof tiles. The roofscape is not homogeneous in this locality and comprises gables and hips. It is noted that all the properties are well set back from the public highway in good sized plots, which gives the area a spacious feel. Some of the properties are set further back into their plots than others and as such there is no distinct regimented building line.
2. The application site is located to the rear of Nos. 24 and 26 Stambridge Road opposite the junction made with Malting Villas Road. The application site has been sub-divided from land that was previously part of the gardens belonging to the bungalows at No. 26 and No. 24 Stambridge Road. The site to which the application relates comprises a narrow frontage onto Stambridge Road giving access to a wider area of land behind the frontage development and having an average depth of 20m and a width of 27m. The site is relatively flat and contains an outbuilding and is neglected and covered in low lying vegetation and other detritus. The site is contained by panel fencing sited on concrete gravel boards to 1.8m in height.
3. The proposal is to demolish the existing garage and erect a new dwelling and associated development.

RELEVANT PLANNING HISTORY

4. Application No. 07/00980/FUL - Demolish Existing Dwellings at No's 24 and 26 and Construct Three Storey Building Comprising 4 No. One Bedroomed, 7 No. Two Bedroomed and 2 No. Three Bedroomed Flats

with Car Parking, Amenity Areas and Revised Access – Refused – 15.01.2008.

5. Application No. 08/00700/FUL - Demolish Existing Buildings at Nos. 24 & 26 and Construct Three Storey Building Comprising 9 No. One Bedroomed and 4 No. Two Bedroomed Flats with Car Parking and Amenity Areas to Rear and Revised Access – Refused – 23.12.2008.
6. Application No. 10/00122/FUL - Construct Detached Pitched Roofed Garage, Create New Vehicular Crossover and Hardstanding Area – Permitted – 27.04.2010.
7. Application No. 12/00315/FUL - Subdivide Plots and Construct One Three Bedroomed Bungalow with Attached Garage with Access to Side of No.26 Stambridge Road. Form New Vehicular Crossing and Parking to Front of No.26 Stambridge Road – Withdrawn - 29.06.2012.
8. Application No. 12/00418/FUL Subdivide Plots and Construct One Three Bedroomed Bungalow, Form Access to Side Of no 26 Stambridge Road, Form New Vehicular Crossing and Parking to Front Of no 26 Stambridge Road – Refused - 12.09.2012. The decision was appealed against APP/B1550/A/12/2185361 – Dismissed – 18th March 2013.
9. Application No. 22/00790/FUL - Demolition of existing garage, with proposed new dwelling and associated development – Refused – 19th October 2022. Appeal lodged.

MATERIAL PLANNING CONSIDERATIONS

10. 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.
11. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Background Information

12. A similar application (12/00418/FUL) for the subdivision of plots and the construction One Three Bedroomed Bungalow, Form Access to Side Of no 26 Stambridge Road, Form New Vehicular Crossing and Parking to Front Of no 26 Stambridge Road was refused planning permission and the subsequent Appeal was dismissed. In dismissing the Appeal, the Inspector stated:

“I do not agree that the bungalow would be a “good fit” in these surroundings. It would erode their predominantly spacious character and would be unduly obtrusive in the outlook of existing buildings. It would thus not relate well to the character of the locality and would not integrate successfully. ...The proposed development would have a materially harmful effect on the character and appearance of the area”.

13. In August 2022 the applicant submitted an application (22/00790/FUL) which was for the demolition of the existing garage, which was currently in-situ and to erect two bedroomed single storey dwellinghouse and associated development. The application was subsequently refused by the Council for the following reasons:

“The proposed development by virtue of its position to the rear gardens of nos. 24 and 26 Stambridge Road would cause significant harm to the character of the area and local distinctiveness. The proposal would not achieve a high standard of design and would detract from the established character of the development pattern resulting in an intensification of the site failing to relate well to the existing street pattern and is tantamount to backland development contrary to the requirements of the Local Plan, particularly policies DM1 and DM3, SPD2 Housing Design and all other material considerations including advice advocated within the NPPF”.

“The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 175(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused”.

14. The current application has been submitted in attempt to overcome the previous reasons for refusal. The current application is very similar but for a dwelling of different design to that last considered. The case officer has not conducted a site visit in relation to this application as he

had already recently visited the site prior in relation to application 22/00790/FUL.

Principle of Development

15. The National Planning Policy Framework (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 in favour 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 (para.126).
16. 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 (para. 134).
17. Policy H1 of the 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 the external walls of habitable rooms and plot boundaries.
18. Policy CP1 of the Core Strategy and Policy DM1 of the 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 that existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality. Paragraph 2.23 to the preamble to Policy DM3 goes on stipulate that 'Backland' development may be inappropriate due to the creation of a tandem relationships between dwellings, loss of private amenity space, residential intensification, the detrimental impact on the character of the street scene and the amenity of neighbouring

dwellings. However, it does acknowledge that “*Generally such development [Backland] is undesirable, although it may be considered appropriate in some circumstances*”.

19. The development is one that proposes re-development of the site for an intensified residential purpose. National and local policies encourage the effective use of land. As the site lies within a designated primarily residential area policies DM1 and DM3 allow for new residential development where it is consistent with other Local Plan policies. Therefore, on the basis of the above assessment, the broad principle of the proposed development is considered acceptable. Other material considerations relating to the acceptability and design of the development as an infill development, the living conditions of the future and neighbouring occupiers, ecology and highways issues etc. are assessed below.

Design Principles: Appearance and Scale

20. The National Planning Policy Framework which sets out the government’s planning policies for England was revised on 20th July 2021. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now more firm on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.
21. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 emphasises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
22. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically 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". It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.

23. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (para 126).
24. As previously stated, 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 (para 134).
25. The proposal is for the erection of one single storey detached property, which will be located towards the rear of Nos. 24 and 26 Stambridge Road and sited at a right angle / side on to the existing frontage development . Access to the proposed dwellinghouse will be via a block paved drive which traverses almost the whole of the site depth to include two car parking spaces sited to the front of the proposed dwelling and towards the rear will be private amenity space, which also wraps around the side of the proposed dwelling.
26. Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.
27. According to the submitted planning forms the plot measures 540m² (including the access). It is the case officer's opinion that the dwelling is situated in a relatively large plot and as such will not appear cramped. Furthermore, the proposed dwellinghouse will be sited more than the minimum of 1m off the plot boundaries in those elevations which have habitable rooms and as such broadly accords with guidance advocated within the SPD.

28. The prevailing character of properties along this stretch of Stambridge Road together with some of the of the adjoining streets, for example Mornington Avenue which is located directly behind the application site, are typically defined by dwellings having a strong frontage and presence in the streetscene. This characteristic is further strengthened by the spaciousness and depth of the plots generally which have matured to give an attractive and distinctive quality. Generally, the sizeable rear gardens to these properties and the spacing between the properties particularly back – to – back are a prominent feature which gives a sense of spaciousness to this particular group of dwellings and wider locality.
29. SPD 2 Housing Design and policy DM1 infer that proposals should respond positively to the character, local distinctiveness and form of its surroundings and that significant importance is given to layout considerations and that proposals should be respectful of the urban grain.
30. The footprint of the proposed dwellinghouse will be roughly rectangular with a flat roof projecting element on the rear elevation and is contemporary in nature. The proposal measures approximately 10.5m wide by 8.8m deep (measured at the widest points). The height of the proposal to the eaves is 2.5m and to the highest part of the roof is 4.7m. The proposal will incorporate a pitched roof. Furthermore, it is considered that the projecting elements on the rear elevation helps to break up the massing of what would otherwise be a stolid box.
31. The proposal will be constructed out of facing brick on a brick plinth under a red concrete tile roof. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark. Other detailing includes brick headers above the windows and front door which helps to articulate the window/door openings and improves the overall character and appearance of the building.
32. The single storey rear projection will be clad in grey to match the window frames and doors. Located on the rear elevation of the projection will be a set of bi-fold doors. This projection will not be readily visible from any public vantage point and as such no objections to this element are raised.
33. Internally the property will comprise open plan kitchen and living room, separate bathroom, two bedrooms, cupboard and hall.
34. Overall, it is considered that the design of the proposed dwellinghouse 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. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.
Layout

35. Both the Rochford Development Management Plan and the NPPF promulgate that developments should function well and add to the overall quality of the area. The documents also advise that developments should be visually attractive due to good architecture and layout. Furthermore, the Councils SPD 2 Housing Design infers that a development which is out of scale and unduly obtrusive...will be refused.
36. The application site currently consists of a detached double garage which is constructed out of block under a corrugated roof. The remainder of the site comprises of areas of hardstanding and is neglected and overgrown with shrubs and over low-lying vegetation. The proposal will result in the demolition of the garage and the erection of the proposed dwellinghouse, which will be sited roughly in the middle of the plot. The applicant in their Design and Access Statement goes to great pains to state that the proposal will not appear out of character. In particular they enunciate that "*the presence of a double detached garage together with associated unplanned vehicle parking mean that such backland presence in this location is already present*". Furthermore, "[there are]...*a number of similar-positioned outbuildings...located to the rear of neighbouring plots*" and it is inferred that given the presence of these outbuildings, will help to mitigate any negative externalities and the proposal would not undermine the character of the locality.
37. Sporadically there are a number of outbuildings within the rear gardens of neighbouring properties. However, these outbuildings appear to be ancillary outbuildings presumably constructed under PD rights and are not residential units. Therefore, it is officers opinion that these outbuildings are not directly comparable to the proposal and any inference as such is erroneous.
38. The proposal is considered to cause significant harm to local distinctiveness of the area by introducing a backland residential development and the benefits arising from the proposal do not outweigh the harm. The proposal would fail to either reinforce or enhance the identity of the neighbourhood nor result in a visual positive impact. Overall, it is considered that the arrangements of buildings and

space within the site would appear as incompatible and incongruous by harming the sense of spaciousness and would fail to achieve a high standard of design and that would not respect the pattern, character or form of the surrounding area. As such the proposal would form an unacceptable form of backland development.

39. An isolated dwelling in this backland location would create an incongruous feature in an area characterized by frontage development. Whilst the removal of the garage would help to improve the area, it is considered that the development of the site in the manner proposed would not harmonise or make a positive contribution to the character of the area and will appear as an alien form of development in this locality therefore failing to comply with policies DM1, DM3, SPD 2, and advice advocated within the NPPF.

Precedent

40. The agent has drawn the Councils attention to another development within the district, in particular 59A Rawreth Lane, Rayleigh, Essex, SS6 9QD (16/01204/FUL) which related to the demolition of a detached garage to rear, sub-divide plot and construct detached three bedroomed bungalow. The agent infers that by approving this development provides justification for the current proposal. It is officers view that the current site has different characteristics in relation to the neighbouring development and form than that to be considered here. Furthermore, this application was approved 7th March 2017 and there has been a change in policy with the adoption of the NPPF 2021. Nevertheless, the existence of this development is not an appropriate justification for permitting the proposed development here. It is the case officers' opinion that examples of disharmonious development should not be used for justification for similar discordant proposals.

Impact on Residential Amenity

41. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
42. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal 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.

43. Located to the west of the application site are Nos. 24 and 26 Stambridge Road (No. 24 is a detached single storey bungalow and No. 26 is a detached 1.5 storey property). The proposed dwellinghouse would be at a 90° angle in relationship to these two properties and as such would not directly overlook them. It is noted that there is a distance of approximately 17m separating Nos. 24 & 26 Stambridge Road from the proposed dwelling. Furthermore, conditions relating to boundary treatment and landscaping will be attached to the decision, in the event that planning permission is approved. Overall, it is considered given the separation distances, boundary treatment/landscaping (subject to the imposition of conditions) will all help to mitigate any negative externalities caused by the proposed development.
44. Due to the articulated design of the proposed dwelling, it is considered that the proposal will have a negligible impact on the residential amenities of the occupiers of no's 34 & 36 Mornington Avenue, which are located to the east (rear of the site). There is a distance in excess of 50m separating the application site from the rear elevations of these properties. Consequently, it is not considered that the proposed development would cause any significant issues with regard to loss of light or privacy to these neighbouring occupiers or that it would have an overbearing impact.
45. In relation to other properties in the locality, it is considered that the development would not give rise to material overlooking or overshadowing, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the siting in relationship to and the separation distances that would be achieved between properties. The proposal is compliant with DM1 and DM3 of the Development Management Plan.
46. The access to the proposed dwellinghouse will be via the existing arrangements immediately adjacent to No. 26 Stambridge Road. The drive would run the full length of this property and terminate in a parking area serving the proposed dwellinghouse. It is considered that there is sufficient space for vehicles to manoeuvre so that they can access/egress the site in a forward propelling gear overcoming an earlier concern. It is considered that the additional vehicular comings/goings attributable to the proposal adjacent to Nos. 26 and 28 Stambridge Road will cause some noise and disturbance to the residential amenities of the occupiers of these properties. However, as the proposal is only for one dwelling it is not considered that the resultant noise and disturbance are sufficient to warrant a refusal and substantiate it at any future Appeal.

Living Conditions of Future Occupiers

Garden Sizes

47. The NPPF seeks that the creation of places are that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
48. Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50 m² would be required. The proposal is for a two bedroom detached bungalow. The proposed dwelling would be provided with a private amenity space which wraps around the proposed dwellinghouse of approximately 150m², which is in excess of the required 100m², which would satisfy the outdoor amenity space requirements as set out in SPD2.

Sustainability

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 single storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m² or 70m², respectively. Additionally, the dwelling must have a minimum of 2m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of

at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 70.68m², and as such in terms of overall GIA the proposal complies specified technical standards.

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

Bedroom No.1	14m ²
Bedroom No.2	12m ²

54. According to the submitted plans all the bedrooms comply with aforementioned policies and would exceed the internal floor area required. Furthermore, it was noted that the storage area was approximately 2m² which does accord with policy.

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.

Highways

57. 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.

58. 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.

59. 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.
60. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted numerous neighbouring properties have hard-surfaced their frontages in order to provide vehicular parking, a recent update to the Framework (2021) and the introduction of associated design guidance, have emphasized the use of soft landscaping ensuring that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition relating to soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
61. The access to the proposed dwellinghouse would be down the side of No. 26 Stambridge Road. Colleagues in Essex County Council Highway Authority have been consulted regarding the application and they have no objections to the proposal subject to conditions relating to construction management plan, unbound material, formation of parking spaces, cycle parking, travel information pack and the standard informatives, which will be conditioned accordingly if planning permission is approved.
62. The Highways Authority has reviewed the submission information and conclude there would be no unacceptable impact on highway safety or a severe impact on congestion. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of one dwelling in this area is not deemed to be of such severity that would warrant refusal of the application on highway grounds. Overall, it considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Drainage

63. 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

64. 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.

Impact on Biodiversity

65. No ecological appraisal has been submitted with the application however the site is occasionally maintained and vegetation cleared and it is therefore unlikely to support the establishment of protected species. Furthermore, the applicant has submitted a bat declaration survey which indicates that there is no presence of bats at the site.

Ecology

66. 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.
67. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one addition dwelling

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

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

- No

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

- No

68. 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.

69. 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 of £137.71 has now been paid to the Local Planning Authority.

Refuse and Waste Storage

70. The Council operate a 3-bin refuse and recycling system. The proposed front garden area would provide sufficient storage space for the three bins.

Landscape considerations

71. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. The Councils Arboricultural Officer has been consulted and states the following “*The pine shown as T2 in the rear garden was removed due to poor condition. The tree should have been replaced. As a condition of consent T2 (Chilean Pine) is to be replaced to the rear of the parking spaces as shown on the plan. A heavy standard Chilean Pine is to be planted in the next available planting season (November to March) following completion of the development. The tree will then be T2 of the order 22/07*”.
72. In the event that the application is approved, an appropriately worded planning condition will be attached to the decision notice requiring the planting of the Chilean Pine in addition to the standard landscaping conditions.

Matters raised in neighbour representations

73. Several objectors have stated that they were unaware of the planning application due to the Council having not followed the correct neighbour notification process. However, according to The Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 15 stipulates “*in a case which neither paragraph (2) nor paragraph (4) applies, the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice-*

- *By site display in at least one place on or near the land to which the application relates for not less than 21 days; or*
- *By serving the notice on any adjoining owner or occupier”*

74. Officers can confirm that they identified the owners/occupiers of properties that immediately adjoined the application site and the requisite neighbour notification letters were sent to those parties and that a site notice was displayed in the street near to the site. Consequently, the case officer can confirm that the Council has followed the correct neighbour notification process as stated in the above legislation. However, some applications (including this one) could not be viewed on-line via the Councils homepage due to an IT issue. Any interested parties that notified the Council that they were having difficulties viewing the application were sent a PDF copy via email. Alternatively, if they still could view the PDF or wanted a hardcopy this was sent to them via the post. It is considered that these

work arounds are reasonable and proportionate and nobody has suffered unduly.

Other Matters

75. Issues to do with loss of property values are not material planning considerations. Neighbours are concerned that if the application is approved, the comings and goings associated with the proposal will cause harm to the residential amenities of adjacent properties. However, it is considered that as the proposal is only for one dwelling, the proposal will not cause significant harm. Issues to do with property values, covenants and rights of way are private matters and are not material planning considerations. Other concerns raised by the objectors are that if the development is permitted it will set a precedent and similar proposals may come forward. However, every planning application must be judged on its own particular merits. Furthermore, it is not considered that one additional property will have a significant detrimental impact on utility services in the locality.
76. Other concerns raised are that if the application is approved that during the construction there will be significant disruption due to builder's vans, equipment, noise and mess. Again, the case officer notes the concerns of the objectors and appreciates that it is not uncommon for such problems to occur during the construction phase although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, for example blocking peoples drives, this is a matter which can be dealt with by the Police who have the appropriate legislation and powers to free the access, the planning system should not duplicate other legislation. Additionally, the loss of view is not a material planning consideration. No homeowner has a right to a view across third party land.
77. Some concerns have been raised that why is the LPA reconsidering the current resubmission having recently refused a similar application. However, guidance previously set out in Circular 08/2005 and the more up to date New Planning Practice Guidance (NPPG) advises that whilst an LPA has at its discretion the power to refuse to entertain an application, this discretionary power should only be used where they believe that the applicant is trying to wear down opposition by submitting repeated applications. If an application has been revised in a genuine attempt to take account of objections to an earlier proposal, the local planning authority should determine it (see *Harrison, R (on the Application Of) v Richmond upon Thames Borough Council (2010)*). It is considered that the applicant has revised his plans and paid the

RAMs fee; therefore, the LPA is duty bound to consider this revised application in light of guidance enunciated in the NPPG and case law.

CONCLUSION

78. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comment received.

Essex County Council Highways: No objection as the proposed dwelling will utilise an existing vehicle access and includes off-street parking and turning subject to the imposition of the following conditions – construction management plan, no unbound material, parking and turning area to current dimensions, cycle parking, and travel information pack.

Rochford District Council Arboricultural Officer: Can we condition the planting of a tree near to the garages or can the applicant show a Chilean pine to be planted on the current plans? It will need to be heavy standard (12-14 cm girth, height of around 2.5m), container grown and to be planted in the next available planting season following development.

Neighbour representations:

4 responses have been received from the following addresses:

Stambridge Road: 22, 24, 30, 34.

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

- Neighbours and interested parties have been given conflicting dates by which comments must be provided – and no-one has had a full 21 day period in order to review the application, seek advice and make comments.
- Existing services in the locality will not be able to cope.
- This is a resubmission of a previous planning application which was refused in 2022 for a number of reasons and the only change I can see is to a window.
- The application proposes to demolish an existing garage, which has been built too close to the rear boundary of No. 26 and has remained empty since it was built. It was recently when the previous application went in that a couple of cars were placed outside it giving the impression that the garage is in use. Also, when the garage was constructed a member of the planning team visited the site and

ensured that the fence to number 26 had been removed and then following this visit the applicant re-built the fence and sold number 26.

- The reasons for refusing permission in October 2022 should still apply to this latest reincarnation as all objections raised are still relative and valid.
- The proposal will have a detrimental impact on views.
- The proposal will reduce our property value.
- The applicant is making misleading comments in their submission.
- The proposal is too close to the boundaries.
- There is no need for this property as there are sufficient properties in the area.
- Many interested parties will be unlikely to have had the opportunity to review the plans and make comments, as even if they now know of an application, the plans have not been made publicly available for review on the Council's website.
- A similar, recent application on the same proposed site attracted a number of comments in consultation – but the above procedural problems mean that it is likely on balance that less comments will be provided, as fair process has not been followed by way of consultation.
- This application is a significant over development of the land and not in keeping with anything in the area and if this was allowed to go ahead it would set the precedent for other developments to be built in what is currently residential gardens.
- The increase in traffic joining an already busy road close to the junction of Stambridge road and Malting Villas is another reason to refuse this permission.
- The reasons for the planning application refusal for 22/00790/FUL are justified and therefore still stand so they should be applied to this application and you should refuse the planning application.
- The proposal will have a detrimental impact upon residential amenities in the locality.
- Similar applications have been refused in the past in relation to this plot of land.
- Whilst the proposal is currently single storey, the occupants of the property could erect various extensions which will impinge on residential amenity.
- The current application proposes a slightly varied footprint and design to the previous applications. But essentially it still proposes the development of a residential bungalow of similar proportions, which would create a backland development which would be out of keeping (and detrimental to) the characteristics of the existing development pattern and locality. Although the newly proposed building is slightly reduced in size from the previous application, it will still result in an increase in the footprint of approximately 50% compared to the existing garage on the site.

- if the proposed plan was considered to be an appropriate development and permission approved, it would expose the site to the opportunity for extending the dwelling by way of permitted development at a future date. Whilst I understand that is not a consideration of the current application, it would be an unintended consequence and facilitate greater development of the site akin to what has previously been refused on the site on multiple occasions.
- The proposal will exacerbate parking problems in the area.
- The proposal will cause noise, dust and air pollution.
- The proposal will be overbearing and over dominant other properties.
- The building is still an ugly, drab and overbearing eyesore and a blot on the landscape, that would be directly within the line of view from our main living area which lies to the northside of our property. This will create a “closed in” feeling and obliterate/obscure some of the more pleasing and natural features of our current outlook.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) – CP1

Development Management Plan (December 2014) – DM1, DM3, DM25, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: REFUSE

1. The proposed development by virtue of its position to the rear gardens of Nos. 24 and 26 Stambridge Road would cause significant harm to the character of the area and local distinctiveness. The formation of a new dwelling in this location would not achieve a high standard of design in layout terms and would detract from the established character of the development pattern resulting in an intensification of the site failing to relate well to the existing street pattern and tantamount to backland development contrary to the requirements of the Council’s Development Management Plan, particularly policies DM1 and DM3, SPD2 Housing Design and provisions of the National Planning Policy Framework (2021).

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

Application No :	22/01206/FUL Zoning : Metropolitan Green Belt
Case Officer	Ms Elise Davis
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Land South Of Orchard Cottage Rayleigh Downs Road Rayleigh
Proposal :	Resubmission of refused application 22/00810/FUL for erection of a new two bedroom dwelling, with associated demolition of existing sheds.

SITE AND PROPOSAL

1. The application site is located to the western side of Rayleigh Downs Road, which is a single-track unmade road, situated within the metropolitan Green Belt of Rayleigh. The application site is a deep plot of some 78.5m but of relatively narrow width in comparison to other plots along the road, measuring some 12m wide. The site frontage contains a gravelled area with the majority of the site featuring grass and overgrown vegetation. The plot is open and devoid of development except to the southwest rear of the site where there are two existing modest scale outbuildings in a dilapidated state.
2. The existing street scene depicts a mixed collection of detached bungalows and chalet style bungalows with alternating external finishes and architectural styles. The properties along Rayleigh Downs Road are modest in scale and sit within large open plots, characteristic of dwellings within Metropolitan Green Belt locations.
3. This proposal is a revised application following refused application 22/00810/FUL which seeks to demolish the existing outbuildings on the site, in order to erect a new dwelling.
4. The proposal seeks to erect a new two bedroomed dwelling. The dwelling has been designed as a bungalow with a pitched roof and the principal elevation would feature a front porch gable projection also with a pitched roofed form. The dwelling would feature a chimney stack to the south side of the dwelling, and the rear elevation would be slightly staggered. The dwelling would comprise of two bedrooms (one with en - suite), a bathroom, combined kitchen and dining room, lounge and open entry/hallway.
5. The dwelling would have a ridge height of some 6.2m and the roof would slope to an eaves height of some 2.6m. The width of the dwelling would measure some 8m with a maximum depth of 11.5m. The external footprint of the dwelling would not exceed some 85m².

6. The proposal has sought to overcome the previous reasons for refusal by addressing the scale of the development and the design, and the internal layout of the dwelling to comply with the Technical Housing Standards, however, has not presented a very special circumstance to justify the development being appropriate within its green belt location.
7. It is noted that the submitted planning statement does contain inconsistencies with regards to the description of the proposed dwellinghouse and the measurements of the proposed dwelling. This is likely due to the statement being amended from the previous proposal for a dwelling of larger scale which featured a first floor with dormers to the roof slope (of which is not applied for in this submission). For clarity, the measurements and description of the proposed dwelling as assessed within this report are measured and analysed from the submitted plan and not the written statement provided.

RELEVANT PLANNING HISTORY

8. Application No. 22/00810/FUL - Erection of one new four bed roomed dwelling – Refused 26th October 2022.

MATERIAL PLANNING CONSIDERATIONS

9. 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.
10. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt considerations

11. The proposal must be considered with regard to relevant Green Belt policy. The National Planning Policy Framework (The Framework) sets out within paragraph 149 that the construction of new buildings is inappropriate in the Green Belt unless the proposal would fall under one of the specified exceptions which are;
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

12. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

13. The Framework does not provide a definition of what constitutes being in a village or what constitutes limited infilling. It is therefore a matter of judgement taking into account various factors.
14. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Proposals Map. A village boundary defined in a Local Plan is a relevant consideration, but not necessarily determinative, particularly if it does not accord with an assessment of the extent of the village on the ground. The Council's Core Strategy sets out a settlement hierarchy with the largest settlements being Tier 1 consisting of Rayleigh, Hockley and Rochford. Some settlements in the district are too large to be reasonably considered a village.
15. As the application site is located within Rayleigh, it cannot be considered as part of a village and would not comply with part (e) of paragraph 149 as a result.

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

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

Consideration of the site as PDL

18. The Annex 2: Glossary of The Framework defines Previously Developed Land (PDL) as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'
19. The application site forms a deep parcel of land (some 78.5m deep) with a width some 12m between detached properties known as 'The Woodnut' and 'Orchard Cottage'. The site contains a grouping of two small-scale outbuildings to the southwest rear of the site. During the site visit it was noted that the existing structures appeared dilapidated with vegetation such as Ivy covering parts of the buildings.
20. The supporting Design & Access Statement details that the outbuildings were used as habitable accommodation (as detailed in the last paragraph of section 3 of the supporting document), however, during the site visit, no evidence of this was found and the structures (now empty) appeared to have been of a use more akin to outbuildings incidental to a dwelling and not of habitable occupied use. The larger structure with a garage door contained mechanical paraphernalia associated with a garage, and the smaller timber-built structure closest to the rear of the site displayed a collection of garden associated paraphernalia such as hoses, bags and flowerpots, suggesting the use of the structure may have been a residential garden shed prior to the sub-division of the site from Orchard Cottage.

21. There were no other forms of development within the site and given the small scale of the structures and the evidence recorded during the site visit, it is likely that the last use of the outbuildings were in association with the residential use of Orchard Cottage but not as extended habitable accommodation (as has been suggested by the applicant).
22. The definition of PDL within Annex 2 of the framework excludes land in built-up areas such as a residential gardens. Therefore, if the residential garden is not considered to be within a built-up area, it could be considered as PDL. This is consistent with the judgement of Dartford Borough Council v SOS [2016].
23. As discussed above, it is considered that the last use of the site was as a residential garden prior to its sub-division from Orchard Cottage. However, the application site now sits in isolation and is not served by a residential dwelling. This is supported by the application form which outlines that the owner of the application site is not registered to Orchard Cottage. The site can therefore no longer be considered as residential garden. Nevertheless, it is considered worthwhile to assess whether the application site is located within a built up area as a matter of completeness.
24. Rayleigh Downs Road although rural in character, encompasses a fairly consistent pattern of development. Despite the properties being modest in scale in comparison to the size of the plots, they are somewhat equally spaced with very few vacant plots between dwellings. There is an apparent ribbon to the development along Rayleigh Downs Road, meaning that despite it being inherently rural in character, it is also not in complete isolation as is the case of the Dartford Borough Council judgement.
25. It is therefore considered that the application site does not fall within the definition of previously developed land as outlined in Annex 2 of the framework.

Impact on Openness of the Green Belt

26. Elevation plans of the existing outbuildings have not been provided however, as viewed on site by the case officer, the existing outbuildings did not appear to be of large scale, but of scale associated with residential garden outbuildings likely erected under permitted development allowances. The buildings had mostly flat shallow sloping roofs and are considered to be of modest scale associated with incidental uses to support a dwellinghouse.
27. The existing outbuildings would have a combined external footprint of some 56m². The outbuildings are located in much closer proximity to the rear of the site than the site frontage, with the larger outbuilding being sited closer to the front plot boundary than the smaller scale outbuilding. The larger existing outbuilding maintains a distance of

some 46.5m from its east elevation to the front boundary adjacent Rayleigh Downs Road.

28. In contrast, the proposed dwelling would be sited closer to the front plot boundary than the existing outbuildings - maintaining a distance of some 22m to the front. The proposed dwelling of its siting somewhat central of the parcel of land, is considered to obstruct the openness to this part of the landscape.
29. The proposed dwelling is designed as a bungalow with a pitched roof form (with a ridge height some 6.2m) and front porch. The total external footprint of the dwelling would amount to no more than 85m², which is a percentage increase of some 51.7% above the external footprint of the existing outbuildings which are proposed to be demolished. Despite elevation plans not having been submitted of the existing outbuildings, the outbuildings are modest in scale and are of significantly less height and mass than the dwelling proposed.
30. The proposed dwelling is considered to be of a significantly larger scale, mass and bulk in comparison to the existing outbuildings. The proposed dwelling would be considered to result in a detrimental impact upon the openness of the green belt. Visually, the proposed dwelling would obstruct the openness of the green belt and whilst it would be somewhat grouped amongst the existing row of dwellings of Rayleigh Downs Road, the proposed mass, bulk, and scale of the dwelling is of far greater excess than the existing outbuildings, and the proposed development would therefore create a sense of piecemeal dense urban sprawl extending over an area which is largely existing open space. The proposal would therefore fail to comply with paragraph 149 (g) of the framework as should the application site be regarded as limited infilling or previously development land, the proposed development is considered to have a greater impact on the openness of the Green Belt than the existing outbuildings to the rear of the site.
31. No very special circumstances have been proposed by the applicant that would clearly outweigh the harm of the development identified upon the green belt. The planning statement submitted with the application does reference that weight should be given to good design. The framework does not outline that good design would be considered to clearly outweigh harm to the green belt. The planning statement does not advance any factors that would be considered sufficient individually or cumulatively to outweigh the harm to the Green Belt by definition, and in its impact on openness and the character and appearance of the site.
32. The planning statement does indicate the proposed new dwelling would contribute towards the Council's housing land supply however the Rochford District Council Annual Monitoring Report (AMR) has identified a 5.76 year housing land supply. The proposal contributing to

this supply – not identified as contributing to affordable housing – is not considered to outweigh the harm upon the Green Belt.

33. Policy DM21 of the Council's Development Management Plan has been referred to by the agent within the submitted planning statement as a policy of consideration within the application. However, Policy DM21 is applicable to replacement dwellings, and is not applicable to new dwellings where none previously existed within the Green Belt which is the subject of this application.

Impact on Character

34. The external facing materials of the dwelling proposed, and overall bungalow design of a pitched roof form is considered to be acceptable and reflective of the dwellings within the street scene and wider locality.
35. Nevertheless, the application dwelling would be sited on a narrow plot, (plot width of some 12m) with the dwelling occupying a width of some 8m. Where existing dwellings within the street scene are sited on larger plots with significant isolation space between dwellings, the appearance of the dwellinghouse on the parcel of land proposed is considered to appear cramped and contrived.
36. The National Design Guide outlines that the context, identity and built form of a development contribute to creating well designed places. The National Model Design Code discusses that the appearance of rural areas should comprise lower density and plot ratios within developments.
37. Whilst there is little uniformity to the existing dwellings within the street scene by way of architectural characteristics, the dwellings correlate to each other in terms of their spatial characteristics and pattern of development. The dwellings adjoining to the site are sited within relatively wide plots of approximately 30m with good separation distance from flank walls to the side plot boundaries. Whereas the application site would encompass a plot width of some 12m with a separation distance of some 2m from its flank walls to the site plot boundaries. The proposed development would therefore fail to reflect the otherwise spacious pattern of development. The scale and density of the development proposed would be more characteristic of an urban and sub-urban context. The development would be considered inappropriate within the character of this area which is characteristic of a rural setting.
38. The development as proposed would not successfully reference the prevailing character of the area, appearing out of keeping, to the detriment of the surrounding street scene, contrary to Policy CP1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan and the framework.

Impact on Residential Amenity

39. Although concerns have been raised in relation to overlooking issues, it is clear from the proposed plans that the dwelling would be orientated such that any openings to the rear and principal elevation would not face the side plot boundaries.
40. With the dwelling in its proposed orientation, the dwelling would not be considered to give rise to an unreasonable degree of overlooking. The dwellinghouse would not have a first floor, and therefore any overlooking arising from the windows and openings to the elevations are considered to be obstructed by the existing high level close boarded fencing, treating the boundary of the site. The fenestration to the principal façade of the dwelling would overlook the public realm and the openings to the rear wall would overlook the application property's own amenity space.
41. Due to the separation distance of the proposed dwelling to its adjoining occupiers, the proposed dwelling would not be considered to give rise to excessive levels of overshadowing. The trajectory of the sun from east to west would see that limited obstruction of sunlight would occur to the north and south adjoining occupiers.
42. The proposal would not be considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over-dominance. The proposal is compliant with DM1 of the Development Management Plan in this regard.

Sustainability

43. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
44. 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.
45. 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. ²

46. As measured from the proposed floor plan, the proposed dwelling would have a total internal floor area of some 72.5m². The proposed floor plan has labelled an area of some 1m² of allocated built-in storage space. The floor plan shows that the dwelling would accommodate two bedrooms, which are analysed in relation to the technical housing standards below.
47. Bedroom 1 is the largest bedroom and so is considered to be the primary bedroom and would benefit from an en - suite. The internal floor area of bedroom 1 would amount to some 11.68m² and would have a width of some 3.76m. This would accord with the Technical Housing Standards (Nationally Described Space Standard).
48. Bedroom 2 would have a total internal floor area equating to some 8.3m² with internal dimensions measuring some 2.6m x 3.2m. Bedroom 2 is considered to meet the requirements as set out paragraph 10 c) of the Technical Housing Standards. Because bedroom 2 has a total internal floor area of less than 11.5m², bedroom 2 is not considered to accommodate a double (two-person) bedroom. The dwelling is therefore considered to propose a 2-bedroomed, three-person dwelling.
49. The proposed dwelling would meet the minimum gross internal floor area for a two-bedroom, three-person single storey dwellinghouse. There is an area between the shared bathroom and the hallway, which is not annotated, however it is likely that this area would provide some storage space, if this is not the case, then the proposal would not meet the requirement to provide 2m² of built-in storage space. As the gross internal floor area (some 72.5m²) would exceed the 61 m² requirement for a two-bedroom three person dwelling, a shortfall of built-in storage space is not considered significant or representative of an unacceptable and restricted form of residential accommodation that would be meaningfully injurious to its future occupants.
50. The development is therefore considered to provide acceptable living conditions for future occupiers with particular reference to internal living standards in accordance with Policy DM4 of the Development Management Plan which seeks to ensure that new dwellings provide adequate internal space.

² [Technical housing standards – nationally described space standard - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Garden Size

51. The SPD2 requires two bedroomed properties to provide 50m² of garden area with three bedroomed properties providing 100m². The proposal would result in the property having a garden area equating to some 539m².
52. The proposal would be considered to provide sufficient amenity space to support the dwelling with the proposed development in place.

Highway Safety

53. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
54. Rayleigh Downs Road is a single-track unmade road of varying widths, but in most parts is narrow. It is important for dwellings within the street to accommodate adequate off-street parking spaces. A dwelling of the size proposed would be required to accommodate two off street parking spaces.
55. The plot width amounts to some 12m and the dwelling would be set back by some 22m as measured from the proposed block plan. This would leave an area within the front curtilage of the site with potential to accommodate two-off street car parking spaces at the required dimensions with space for manoeuvrability within the site frontage. The proposal is therefore not considered detrimental upon parking and highway safety.
56. To ensure that parking does not dominate the site frontage, a landscape plan could be conditioned should the application be recommended for approval.

Refuse and Recycling

57. Whilst no refuse details have been provided within the submitted plans, the site is considered to provide adequate space for the Council's 3-bin system.

Trees and Ecology

58. No bat survey declaration form has been submitted alongside this application, however, the previous bat declaration survey submitted for the previous application (22/00810/FUL) indicated that there was not likely to be harm to bats or their habitat as a result of the proposed scheme. As this application is a resubmission of the same scheme for a new dwellinghouse at the site, the Local Planning Authority can move forward with a decision for this application taking into consideration the

previous bat declaration survey, however, the applicant is reminded that should harm to bats or their habitat arise as a result of the proposed works, application permitting, the responsibility of this falls firmly on the applicant.

59. It was noted by the case officer upon the site visit (visited in October during the course of the previous submission) that there was an abundance of overgrown vegetation throughout the site. Trees along the southern side and towards the rear of the site are not considered to be within close proximity of the proposed building. No trees are located on the site with preservation orders placed upon them. It is considered unlikely that the proposed development would result in harm to any trees or ecological significance.

Off Site Ecology

60. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
61. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

62. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

63. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.

64. The applicant has paid the suggested financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

CONCLUSION

65. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No representation received.

Neighbour representations:

Four responses have been received from the following addresses:

Rayleigh Downs Road: "The Woodnut" "March Cottage" and two replies without addresses.

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

The Woodnut:

As the only change to this application since its last refusal is the removal of roof dormers and internal upper floor area, previous concerns and objections remain.

Application still inaccurate claiming the existing small sheds it is seeking to replace have an existing footprint of 56m/600sq ft. The approx. 65m² proposal is over an 100% increase to their actual footprint.

Height of existing sheds approx. 2m, making the proposal significantly larger than the building it would be replacing. Outbuildings to be demolished are not residential, therefore replacement building not within the same use contrary to paragraph 149 of the National Planning Policy Framework.

The removal of dormers to the roof space has not reduced the visual impact of this application. Submitted plans are showing the ridge height to be of the same scale (6m) as the previously rejected application, despite accompanying documentation suggesting otherwise.

Width, depth and height unchanged so would still present a cramped appearance within the plot.

Application is still not intended to be sited linear in aspect to existing neighbouring properties.

Intended siting would result in the structure being an eyesore within the parcel of land itself and harmful to the feel of openness of the green belt.

It would have an intrusive feel to neighbouring properties given it would be constructed so close to either boundary and be approx. 6m in height. If constructed so deep into the plot it would be visible from inside every room at the rear of my property, hence the overbearing feel, being detrimental to openness and the character of the green belt/surrounding area.

Sub-division of plots into smaller slices for residential development gives rise to dense urban sprawl

The over-riding reason/conclusion of the last refusal was that the application site did not meet any of the exceptional circumstances/criteria listed in the national planning policy framework that allows for development of a green belt site.

Application was therefore deemed harmful by definition and inappropriate development.

Address not listed:

The proposed development seems to be the same height and width as the previous application. Which does not fit in the parameters given of the site. Also does this mean that if permission is given, the dormers and balcony can be added at a later date? That will bring us back to the privacy issues. The positioning is the same as the previous application, rather than inline with The Woodnut and Orchard Cottage which is one of the issues with the previous application.

Address not listed:

I feel the previous objections still apply as the damage to the local environment and the conditions still apply. It would seem the planners in this instance are just trying to get round the objections in order to profit from building the resubmitted dwelling. The fact still remains that they knowingly purchased the plot as Green Belt land that should not be built on. Their maths still seem to be somewhat amiss as the new plans are for an 8m wide house

on a 11.5m wide plot, and yet they say there is 3/4m clearance with side of the house, this just doesn't add up.

The disruption in the road would be considerable as this dwelling would need to be connected to utilities as none currently exist.

Should this application go through it would set a precedent of building on green belt land that could potentially open the floodgates to similar applications from other properties down our road on any spare piece of land.

March Cottage:

We believe the land in question is a greenbelt site, and if this is the case there should be no residential development on the site – no matter what the size is – and to the best of our knowledge there has never been a habitable building on this site.

If there was – the owners (or previous owners) should be able to verify this fact with documentation – and not just a verbal statement – which we feel is incorrect. There should be evidence and payments relating to utilities to the property including sewage or mains drainage or the usual utilities – Electric/gas.

In addition there should be proof of Council Tax payments.

As far as we understand – there are a couple of shed erected at the bottom of the site – but these are no habitable properties and as far as we are aware there are no persons that have been living there, they have only been used for storage.

The plans show that the windows/balconies are facing into the properties either side, which could overlook the neighbours properties, and due to the closeness to them may have restriction of light and noise as well as restrictions to the neighbours,

If planning permission was granted then you may be creating a precedent for other development in the area, and creating urban sprawl.

The property as outline in the plan is not in character with the other buildings in the road and is on such a constricted site – and therefore the density of the building as states on the plans must be in question.

There is mention of spaces for up to four vehicles and the occupancy of the site may not safely facilitate this, (or the proposed development).

The access way – for up to four vehicles – onto the private road is not wide enough to allow this safely.

The private road has many potholes and any increase in traffic – would be detrimental, again with safety issues, especially as the main route out would be onto the A127.

If greenbelt there are some trees on the property which would need to be removed, they state removal would “not be at this stage” – which we do not think is correct – as it will probably be necessary for nay built.

In view of the above, and the lack of utilities/mains/drainage/sewage there can never have bene a residential property on that site.

In view of our concerns, we hope that you will take this into account when making your decision.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy CP1, H1, H6, ENV9

Development Management Plan (December 2014) Policy Dm1, DM3, DM4, DM25, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: REFUSE

Conditions:

1. The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt within which planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm by definition of inappropriateness and any other harm. The proposed development would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The application site would not be considered to meet any of the exceptions listed within paragraph 149 of the National Planning Policy Framework (NPPF). No very special circumstances have been presented that clearly outweigh the harm to the Green Belt, and any other harm, and the proposal would therefore conflict with Green Belt policy contained within Section 13 of the NPPF and if allowed would give rise to a piecemeal dense urban sprawl.
2. The proposed development, by virtue of its layout and built form, would create a residential plot which would not successfully reference the prevailing character of the rural area proving out of keeping with the more spacious pattern of development. The proposed development would be detrimental to the character and appearance of the surrounding area by way of its cramped appearance and narrow plot width. The proposal would therefore lack local flavour contrary to Policy CP1 of the Core Strategy and fail to achieve a positive relationship with nearby dwellings contrary to Policy DM1 and DM3 of the Development Management Plan and would fail to accord with the overall quality of the area in conflict with paragraph 130(a) of the NPPF.

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne and Cllr. R. Lambourne.