



PLANNING APPLICATIONS WEEKLY LIST NO.1655
Week Ending 3rd March 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 **8th March 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.

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- 2. 22/01200/FUL - Arterial Park Chelmsford Road Rayleigh pages 9 – 13
- 3. 23/00002/FUL – 66 Lower Road Hullbridge pages 14- 31
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Application No :	22/01135/FUL Zoning : No allocation
Case Officer	Ms Elise Davis
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	162 Burnham Road Hullbridge Essex
Proposal :	Retrospective application for change of use of grass verge to front of property from grass to block paving to create vehicular space for future electric vehicle.

SITE AND PROPOSAL

1. The application site is located on a corner plot at the junction of the northern end of Burnham Road and Keswick Avenue. The application is retrospective, and at the time the application was submitted, and site visit conducted, works were complete. The application follows enquiries made by the Council's planning enforcement team.
2. This application is for the retrospective change of use of the grass verge along the northwest corner of the site, to an area of block paving for use to accommodate off-street parking provision.
3. The submitted block plan shows that the pre-existing grass verge would have encompassed an area clipping the northwest corner of the site, equating to some 36.6m² and would have measured some 10.66m in length along the north boundary and 8.41m in length along the west boundary. The pre-existing grass verge would have measured some 3.7m at the deepest point perpendicular to the northwest corner.

RELEVANT PLANNING HISTORY

4. No relevant history.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

7. Good design is promoted by the National Planning Policy Framework (hereafter referred to as 'the Framework') as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
8. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Council's Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
9. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design (hereafter SPD2), as well as to the Essex Design Guide.

Impact on Character

10. Paragraph 124(e) of the Framework outlines that planning decisions should take into account the importance of securing well-designed, attractive and healthy places. Paragraph 126 expands on this by stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. Good design is therefore a key aspect of sustainable development in order to create better places to live and work.
11. Furthermore, paragraph 130 of the Framework discusses that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to

create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

12. Section 16 of the Council's supplementary Guidance SPD2 explains that grass verges and amenity areas contribute to the character and appearance of housing estates and are intended for public benefit. It is considered that such areas are better retained as open areas with soft landscaping, but there may be occasions when the enclosure within an adjacent private garden is acceptable, particularly where there is a history of neglect.
13. Grass verges and open amenity areas were usually intended to be an integral part of estate design and layout. Where such areas continue to make an important contribution in this respect and where neglect is not a problem, the local planning authority would prefer to see the retention of such areas rather than enclosure to residential garden. Change of use of such areas can result in a significant change in the overall design, layout and symmetry of an estate or locality to the detriment of the amenity of the residents.
14. It was noted on site by the case officer that the dwelling to the opposite corner plot no. 72 Keswick Avenue features an area of grass verge reflective of the pre-existing grass verge at the application site. The grass verges would have provided a sense of symmetry to this part of the street scene, which would match with the characteristics of open grass verges of similar scale and design at the road junction of Keswick Avenue and Cedar Close, some 75m west of the application site.
15. Whilst the grass verge bordering no. 162 Burnham Road is no longer existing as the application is retrospective, arial images show that the grass verge was separated from the front amenity space of the dwellinghouse no. 162 Burnham Road by a low-level brick wall. A pathway leading from the entryway of the dwellinghouse cut through the low-level brick wall and through the grass verge to the pedestrian footpath, splitting the grass areas into two triangular areas. Neither area of grass on the verge contained any significant areas of soft landscaping, and historical images of the site show unmaintained areas of uneven length grass with weeds. It has been stated by the applicant in the application form that members of the public may have frequented this area for dogs to foul on, suggesting there was a level of neglect to the existing grass verge area.

16. The change of use of the grass verge to block paving to accommodate off-street parking spaces within the front curtilage of the application site, has not enclosed the pre-existing grass verge area by way of a boundary treatment such as fencing etc. Whilst the grassy areas no longer exist, the corner area of land remains open.
17. Aerial images of the site dating to 2009 show that the dropped kerb which sits on the northwest corner of the site is not a recent addition. It is considered that vehicles would access the area of proposed hardstanding via the existing dropped kerb, and thus, this application does not seek permission for a new vehicle crossover.
18. As previously mentioned in paragraph 14 of this report, there is a precedent within the nearby street scenes of grass verges on corner junction locations, however, it was noted that many of the site frontages along the street scenes of Keswick Avenue and Burnham Road contain areas of hardstanding within their front curtilages, and the existing grass verge areas on the corner junctions do not contain significant soft landscaping details or planting arrangements.
19. It is considered that the pre-existing grass verge area was not of significant soft landscaping importance and displaying minor levels of neglect. The change of use of the grass verge area to block paving to support off-street car parking spaces is not considered in this case, significantly detrimental to the visual amenity of the street scene.

Impact on Residential Amenity

20. The proposed change of use of the verge is not considered to give rise to overlooking, overshadowing or overdominance upon neighbouring properties. The change of use to accommodate off street parking spaces is considered to be appropriate within the residential area and would not give rise to a great degree of noise or disturbance that would be out of character for the context of the area. The proposal would be considered to comply with Policy DM1 relative to its impact upon neighbouring properties.

Impact upon Highway Safety

21. Essex County Highway Authority were consulted on the application, but no representation has been received.
22. As previously mentioned, the proposal has not sought a vehicle crossover to the site, as one is already in existence. It is considered that vehicles would use this crossover to access the area of block paving.
23. Section 16 of SPD2 explains that many grass verges or open areas were provided specifically to ensure adequate vision at junctions for

motorists and pedestrians alike. The Local Planning Authority will resist proposals for the enclosure of verges originally intended for this purpose.

24. The application site is on a corner junction; however, the proposal does not seek enclosure of the pre-existing grass verge area, and no boundary treatment has been erected along the perimeter of the site along the northwest corner. As the corner of the site remains open, the proposal is not considered to result in obstruction of visibility at the junction.
25. The site previously did not benefit from off-street parking spaces within its front curtilage, instead parking was to the rear of the site accessed from Keswick Avenue. A site plan indicating the pre-existing parking provision has not been included in the submission, however, viewing historical images of the site, and a plan from 1973, it appears that the pre-existing off-street parking space and rear garage may have been undersized according to current standards. In allowing the proposal, a benefit would be that the application site would meet the required off street parking provision for a dwellinghouse of two or more bedrooms at the required dimensions. Off-street parking provision at the site in accordance with current standards would therefore decrease the parking stress of vehicles parked on the street in this part of Hullbridge.
26. The proposal is not therefore considered significantly detrimental upon parking and highway safety. It may be considered necessary however, to impose a condition removing permitted development rights under Class A of part 2, Schedule 2 of the General Permitted Development Order 2015 in order to prevent enclosure of the site by boundary treatment, with the intention of preserving the openness of the site frontage and existing good visibility of the junction for vehicles and pedestrians. Should the applicant wish to enclose the boundary of the site in future, the applicant would therefore be required to make an application to the Local Planning Authority, allowing for the Highway Authority and LPA to consider any impact a boundary treatment may have on the visibility and safety of this junction.

Other Matters

27. An additional benefit to the property arising from the proposed development is that the removal of the parking provision to the rear of the site allows for larger rear amenity space to serve the dwelling. The pre-existing garden area as measured from the submitted block plan equated to some 41m², which is considered undersized to support a two bedroomed dwelling. The garden absorbing the pre-existing rear parking area allows for an increase of the rear amenity space to some 67m².

Sustainable Drainage Systems (SUDs)

28. The application site is within Flood Zone 1 the very lowest risk of flooding from rivers or sea and to where development should be directed. The site is identified as being within an area of High Risk of Surface Water Flooding.
29. In cases where there is a perceived risk of flooding from surface water run-off arising from the development of 10 residential units or fewer, the Policy DM28 of the Development Management Plan Local Planning Authority will require the submission of a flood risk assessment in order to properly consider the proposal.
30. The proposal does not seek the creation of a new residential unit and therefore a flood risk assessment is not required. As the site seeks retrospective permission for the change of use of the pre-existing grass verge area to block paving to accommodate parking provisions, a relatively small area of some 36.6m², the proposal is not considered to significantly contribute to increased risk for Surface Water Flooding.

CONCLUSION

31. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: No objection to raise.

Neighbour representations: No neighbour representations received.

Essex County Council Highway Authority: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

- 1 Notwithstanding the provisions of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no boundary treatment shall be provided along the site frontage or limits of the pre-existing grass verge area along the north, west and northwest corner boundary of the site.

REASON: To preserve the openness of the site frontage of the corner plot adjacent the junction in the interest of maintaining visibility in the interests of Highway and Pedestrian Safety.

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

Application No:	22/01200/FUL Zoning: NEL 1
Case Officer	Mike Stranks
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	Arterial Park, Chelmsford Road, Rayleigh SS6 7NG
Proposal:	Erection of 2.4m high paladin fencing and entry gates, plus establishment of secure yard area and change to parking layout.

SITE AND PROPOSAL

1. This application is to the site of the former Michelin's Farm located at the junction of the A127 with the A1245 and adjoining south of the London Liverpool Street Southend Victoria Main line railway. The site was released from the Metropolitan Green Belt to provide a new employment area and Gypsy and Traveller Site in the Council's adopted allocations plan (2014). Outline planning permission including details of the first phase of commercial development was approved on 14th July 2020 under application 18/01022/OUT and is substantially complete with some units now occupied. The remainder of the allocated site and balance of the outline permission is overgrown and undeveloped. There is a new access into the site formed on to the A1245 Chelmsford Road north bound carriageway.
2. This application seeks planning permission for the provision of security fencing to the southern site perimeter of phase 1 between the end units and the southern edge of the site with the northern embankment to the slip road to the junction between the A127 and A1245.
3. The fencing is of a fine mesh patterned design 2.4m in height between metal posts. The fencing is powder coated in a gloss black finish. The sliding gating is currently manual but with ducting to allow for future automation. The design allows for a pedestrian gate and footpaths as approved to the southern site boundary between the development and the slip road off the A127.
4. The fencing would also be provided on entry to phase 1 between the northern units with sliding gates to secure the parking area and each of the units in the first phase.
5. The same fencing and approach is also proposed to the end unit 5 to completely secure the car parking area of that unit.
6. The proposed parking layout to the end unit 5 would revise the approved 10 car parking spaces. Previously these were to be provided in two rows towards the southern part of the forecourt with the site

frontage remaining completely open. As currently proposed these 10 spaces would be redistributed to face the outer fencing of the yard, including across the enclosed site frontage. Loading and servicing arrangements would remain unchanged. Overall, there would be no net reduction in parking.

7. The application is retrospective having been now implemented on the site because the applicant needed to secure a prospective tenant.

RELEVANT PLANNING HISTORY

8. Application No. 18/01022/OUT
Hybrid planning application: full planning permission for the erection of buildings for use within Classes B1(c), B2 and B8 with access and servicing arrangements, car parking, landscaping, drainage features and associated highway works (Phase 1); outline planning application for up to 33,500 square metres of employment uses (Classes B1(c), B2 and B8) including means of access with all other matters reserved (Phase 2).
Permission granted 14th July 2020.
9. Application No. 20/00694/NMA
Proposed non -material amendment to 18/01022/OUT relating to re – wording of conditions 2 and 25.
Approved 27th August 2020.
10. Application No. 20/01052/NMA
Non – material amendment to alter the triggers relating to conditions 25 and 29 (relating to highway works) following approval of application 18/01022/OUT. (summarised).
Approved 17th June 2021.
11. Application No. 20/01196/FUL
Proposed 1 No. building for use within Classes B2 (general industrial) and B8 (storage and distribution) with access and servicing arrangements, car parking, landscaping and new boundary fencing (including section of 5 metre high acoustic fence) gate housebuilding, drainage features and associated highway works.
Permission refused 4th November 2021 – for reason of loss of Gypsy and Traveller allocation Policy GT1 (summarised).
12. Application No. 21/00752/NMA
Non – material amendment to approved application Ref: 18/01022/OUT to include landscaping changes, highway / parking related alterations and revised plans.
Approved 17th December 2021.
13. Application No. 21/00809/FUL

Application for variation of condition 2 (list of approved plans) of planning permission 18/01022/OUT – to allow for material changes namely the removal of an attenuation pond and replacement with landscaping and for the provision of 3 substations (summarised).

Approved 17th February 2022

14. Application No. 22/00186/REM

Reserved matters application relating to appearance, landscaping, layout, access (within the site) and scale for Phase 2 relating to application 21/00809/FUL (summarised).

Approved 27th June 2022.

15. Application No. 22/01197/FUL

The formation of landscape bund, implementation of landscape planting scheme along with the installation of associated drainage infrastructure, plus erection of 2.4m high paladin fencing.

Pending consideration.

16. Application No. 22/01198/FUL

The formation of landscape bunds, implementation of landscape planting scheme along with the installation of associated drainage infrastructure.

Pending consideration.

MATERIAL PLANNING CONSIDERATIONS

17. 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.

18. 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

19. The design of the mesh fencing features slight changes in pattern with a tartan like effect. This approach is increasingly popular and represents a significant design uplift to palisade found on older estates and around some substations. The mesh tops are formed by each individual mesh strand in narrow spacing giving a top edge resistant to climbing. The approach is a good design choice balancing well with the existing and proposed landscaping on the site and increasingly seen in parks and open spaces. This choice of proposed mesh fencing achieves the aims for good design promoted by the National Planning Policy Framework (hereafter referred to as 'the Framework') making the place attractive as an essential element of sustainable development

and achieving the aims of Policy CP1 of the Rochford District Council Core Strategy (2011) which promotes high quality design, which has regard to the character of the local area. The approach adopted by the applicant represents a high standard of design that would reinforce the local identity and quality of the development in accord with Policy DM1 of the Council's Development Management Plan (2014) which states that; "The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment..." Officers consider that this fencing choice works well to establish a strong sense of character and place and an attractive place to work and visit in accord with the requirements of paragraph 130 of the Framework. No objections are therefore raised against the design and quality of the fencing proposed.

Highway considerations

20. Essex County Highway Authority were consulted on the application, but no representation has been received.
21. The enclosure of the yard to unit 5 would not compromise the parking provision to the development or specific unit and would in fact achieve a more workable arrangement as the revision to the layout of the parking spaces would not be directly opposing removing any restriction to manoeuvrability.
22. The applicant has demonstrated that the siting of the fencing to the yard to unit 5 would not compromise the turning area for articulated lorries incorporated into the layout.
23. The fencing and gating to the northern part (entry) of the phase would be outside and enclose the cycle parking shelters provided achieving better security together with the natural surveillance of the front aspect of each unit.
24. The mesh design also allows for some visibility during daylight and periods of darkness such that the fencing would not significantly hinder highway movements.

CONCLUSION

25. The proposed fencing is of an attractive design complementary to the site landscaping and achieves a desirable quality and character of place encouraged by national and local planning policies without any perceived failing for highway safety.
26. As the application is now retrospective there would not be a need for any planning conditions to any decision to approve the development.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Neighbour representations: No neighbour representations received.

Essex County Council Highway Authority: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

No Conditions:

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

Application No :	23/00002/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	66 Lower Road Hullbridge Essex
Proposal :	Proposed demolition of existing dwelling and construction of 2 No. two storey dwellinghouses with one new vehicular access from Kingsway.

SITE AND PROPOSAL

1. The character and appearance of the streetscene is mixed in terms of design, size and scale of buildings. The site is currently occupied by an existing bungalow, which would be demolished as part of the proposal that currently sits forward of the predominant building line of the neighbouring properties. The bungalow has been vastly extended, with a number of pitched and flat roofed single storey additions, which until relatively recently had been in use as a shop unit.
2. According to the submitted planning application forms the site area measures 803m². The boundary of the site along its West elevation runs alongside Kingsway the un - adopted highway and runs parallel on its east aspect with the boundary of number 64 Lower Road. The rear aspect of the application site is enclosed and adjoins an area of scrub woodland which forms part of the Metropolitan Green Belt. The site as edged in red on the proposed site layout plan does not include any part of Kingsway (a private road) nor indeed its verge which is set adjacent, and which runs parallel to the Eastern boundary of the site.
3. The depth of the site from the edge of Lower Road is approximately 42 metres whilst the maximum plot width is indicated to be 18.8 metres.
4. The proposal is for the demolition of the existing bungalow and the erection of 2no. detached two storey properties.

RELEVANT PLANNING HISTORY

5. Application No. 92/00588/FUL - Single Storey Rear Extension and Front Porch – Withdrawn - 08.12.1992.
6. Application No. 93/00142/FUL - Single Storey Rear Extension and Porch to Side, Part Change of Use from Domestic to Retail and Erect Detached Games Room/Ancillary Commercial Storage – Approved - 17.06.1993.

7. Application No. 16/01104/DPDP3J - Application for prior approval for change of use from shop to dwelling house – Permitted - 16.01.2017.
8. Application No. 17/01037/FUL - Demolish existing building and construct three storey building comprising 2 no. one bed roomed and 6 no. two bed roomed flats with parking and additional access to front – Refused - 26.09.2018.
9. Application No. 19/00227/FUL - Demolish Existing Building and Construct Three Storey Building Comprising 3 No. One Bed roomed and 5 No. Two Bed roomed Flats With Parking and Access to Front and Rear – Refused - 18.09.2019.
10. Application No. 19/01185/FUL - Demolish existing building and construct two storey building comprising 3 no. two bed roomed and 4 no. one bed roomed (7 flats) with new access onto Lower Road and off Kingsway – Approved - 15.05.2020.

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 Development

13. 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 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).
14. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para 134).

15. 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 existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
16. In terms of housing need, the Council has an up to date 5-year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.
17. The proposed development involves the demolition of the existing detached bungalow currently in-situ and the replacement with 2no. detached dwellinghouses; the application site is located wholly within the settlement boundary of Hullbridge. 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 Development 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

18. The National Planning Policy Framework 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 firmer 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 three 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.
19. 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.

20. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. 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.
21. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (para 126).
22. 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).
23. 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 existing street patterns, density and character of locality. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m 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 1m between the outside face of the wall to habitable rooms and the plot boundary.

24. The proposed dwellings would be sited further back into their plots than the existing arrangements, the applicant's current property projects much further forward of the front elevation of No. 64 Lower Road. The front elevations of the proposed dwellinghouse will be more in line with the front elevation of No.64 Lower Road (albeit there are projecting gables which will project slightly further forward). Overall, the positioning of the proposed dwellings is not objected to, in principle; the proposed dwellings, by virtue of their siting, would not be harmful to the character and appearance of the street. According to plan reference 08 the proposed layout would achieve a 1m separation distance between the proposed dwellings and the adjoining dwellings (apart from No. 64). Furthermore, plot 1 will have a frontage width of approximately 9.3m whilst plot 2 will have a frontage width of approximately 9.5m and each dwelling would therefore be compliant with the Council's Supplementary Planning Document 2 (SPD2) – Housing Design in this regard.
25. The case officer has noted that there is no regimented or distinctive building line in the vicinity and some properties are sited closer to the public highway than others. As such due to the staggered nature of the building line, the proposed layout is not objected too. Furthermore, located at the side of each of the plots is a passageway which traverses the entire property and allows easy access to the private amenity located at the rear of each property. The case officer is of the opinion that the simple rectilinear footprint with private amenity space located to the rear and parking to the site frontage is in keeping with the local vernacular.
26. According to the submitted plans, the footprint of the proposed dwellinghouses are roughly rectilinear in shape with two storey projecting elements on the front and rear elevations. The proposed dwellinghouses will incorporate a gable style roof. The proposed dwellinghouses will measures approximately 9.6m wide by 16.8m deep (at the widest points) 4.9m high to the eaves and 8.8m high to the apex of the pitched roof.
27. As previously enunciated the application site is currently occupied by a detached bungalow. As established above, the street scene is predominantly made up by bungalows or 2 storey dwellinghouses. As such there is not a consistent ridge line height that is characteristic. In terms of scale, the height of the proposed dwellinghouses will be approximately 600mm higher than No. 64 Lower Road, which is located to the west of the application site and is a two storey link detached property. The proposed dwellinghouses are commensurate in height with the previously approved flats granted planning permission under reference 19/01188/FUL. It is considered that the modest increase in

ridge height in comparison to No. 64 will not have such a detrimental impact on the character and appearance of the streetscene.

Furthermore, as the proposed dwellinghouses will be sited further back into their plots, this will help to minimize the overall impact on the streetscene. Overall, it is not considered given the variation in ridge heights in the locality, that the siting of the proposed dwellinghouses will cause demonstrable harm to the streetscene. The proposal will not appear visually jarring, and it is not considered that they will appear as discordant feature within the streetscene.

28. The proposed dwellings will be sited in quite large plots and as such they will not appear cramped. Overall, it is considered that the layout of the site and positioning of the proposed dwellings at this site as shown on the submitted plans would not result in development that would be out of keeping with the pattern of development in the area such as to be harmful to visual amenity.
29. The design of the proposed dwellinghouses would be relatively simple and considered in keeping with the local vernacular, with the proposal being constructed out of facing brick and significant portions will incorporate stone cladding on the front projecting 2 storey elements, under a concrete tile roof, it is considered that the use of these materials will not appear as alien or incongruous features within the streetscene. The proposal will incorporate large vertical and horizontal apertures which help to break up the scale and mass of the buildings.
30. It is considered that the design of the proposed dwellinghouses is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design or appearance. Overall, it is considered that the proposal would not detract from the identifiable character of the locality and its sense of place. Furthermore, the scale and mass of the proposal broadly respects the scale and rhythm of the neighbouring properties and is in accordance with guidance advocated within the NPPF and policy DM1.

Impact on Residential Amenity

31. 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.

32. 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.
33. The application site is adjoined by No. 64 Lower Road to the west and No. 68 Lower Road to the east. The existing dwelling is modest in size relative to the scale of the plot.
34. Para 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
35. As previously stated, located to the west of the application site is No.64 Lower Road, which is a 2 storey link detached property. The case officer observed that the flank elevation of this property faced the application site. Furthermore, it was noted that there were 2No. windows in the flank elevation of this property (one at ground floor and one at first floor) both of which appeared to serve non-habitable rooms. The submitted plans show that there will be 2No. windows at first floor level (which serve a bathroom and ensuite) on the flank elevation of the proposal facing No.64. No other apertures are proposed on this elevation. Furthermore, the submitted plans indicate that the proposed dwellinghouse will be sited approximately 200mm off the common boundary at ground floor shared with No.64. According to the submitted plans the proposed dwellinghouse would respect the 45-degree angle in regard to the neighbouring property No.64. As such it is considered that proposal would not cause unreasonable levels of overshadowing, loss of privacy or dominance as a result.
36. The impact that the proposal will have the neighbouring property No.68 Lower Road is considered to be negligible. It was observed that there is an un - adopted highway which is perpendicular to Lower Road and traverses the entire side of the application site. Consequently, there is a gap of approximately 14m separating the application site from No.68. It was noted that there were a few windows on the gable of No. 68 (one at ground floor level and two at first floor level) facing the application site. According to the submitted plans there will be several windows (both at ground floor and first floor) which will face No.68. It is

considered conditions relating to boundary treatment and landscaping will help to mitigate any negative externalities caused by the proposed ground floor windows. In relation to the first-floor windows, they could be conditioned to be obscurely glazed and non-opening below 1.7m above finished floor level were the application being recommended for approval. Consequently, given the factors cited above it is considered that the proposal will not result in any over domination, over bearing or loss of privacy issues and as such the proposal broadly complies with policy DM1.

37. Regarding 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 thus compliant with DM1 and DM3 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Sizes

38. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwelling house. Paragraph 130 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
39. Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroomed dwellings where a minimum private garden area of 50 m² would be required. The proposed development would provide 2 No. four bedroomed dwellings. According to the submitted plans plot No. 1 would be provided with 101m² of private rear amenity space; whilst plot No. 2 would be provided with 105m² of private amenity space, both of which would satisfy the outdoor amenity space requirements, as set out in SPD2.

Sustainability

40. The Ministerial Statement of the 25th March 2015 announced changes to the governments 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.

41. 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.
42. 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.
43. A two storey dwelling which would comprise of four bedrooms accommodating either seven or eight people would require a minimum Gross Internal Floor Area (GIA) of 115m² or 124m², respectively. Additionally, the dwelling must have a minimum of 3m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area each of the proposed dwellings will measure approximately 200.82m² (plot 1) and 196m² (plot 2).
44. The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot One		Plot Two	
Bedroom no.1 (Master)	24.22m ²	Bedroom no.1 (Master)	24.2m ²
Bedroom no.2	20.26m ²	Bedroom no.2	20.2m ²
Bedroom no.3	16.7m ²	Bedroom no.3	16.7m ²
Bedroom no.4	16.8m ²	Bedroom no.4	16.8m ²

45. According to the submitted plans all the bedrooms for both units comply with aforementioned policies and exceeds the Internal Floor area. Furthermore, it was noted that the storage area was approximately in excess of 3m² for both plots, which is compliant with the standards advocated within the Technical Housing Standards 2015 document.

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

Drainage

48. 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

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

Refuse and Waste Storage

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

Trees

51. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. No trees or

existing landscaping features would be lost as a consequence of the proposed development. To help assimilate the proposal into the wider environ, new landscaping can be accommodated on site subject to the imposition of appropriately worded planning conditions, in the event that planning permission is granted.

Highways

52. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
53. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
54. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
55. 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. Properties 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 emphasised 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.
56. As previously stated, this application includes the demolition of the existing dwelling, subdivision of the site and provision of two new dwellings. According to the submitted plans the proposal includes a new access for plot 1 from Kingsway which is a private road, therefore, the applicant should seek permission from the landowner for the installation of the crossover. Plot 2 will utilise an existing access. 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 unbound material, boundary planting, formation of parking spaces and turning areas, cycle parking, provision of construction management plan, travel information pack, and the standard informatives, which will be incorporated into the decision accordingly if planning permission is approved.

57. The Highways Authority has reviewed the submission information and concludes there would be no unacceptable impact on highway safety nor a severe impact on congestion. There is no reason for the Local Planning Authority to take a different view and any intensification resulting from the provision of 2 No. dwellings in this area is not deemed to be of such severity that would warrant refusal of the application. Overall, it is considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Impact on Biodiversity

On Site Ecology

58. No ecological appraisal has been submitted with the application however the site is maintained domestic garden featuring mown lawn and various shrubs and plants and it is therefore unlikely to support protected species. The applicant has submitted a bat declaration survey which indicates that there is no presence of bats at the site.

Off Site Ecology

59. 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.
60. The development for two dwellings falls below the point 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

61. 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.
62. 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 for the additional dwelling has been paid to the Local Planning Authority.

Other Matters

63. The use of Kingsway as an access road is a legal matter for the applicant to address and lies outside the scope of the planning process to dictate or resolve. As a frontager it is possible that the site owner may enjoy access rights. The key consideration is the safety of the access points onto the county highway which the local highway authority has no objection to.
64. The planning permission does not approve any parking alongside Kingsland which would be a civil matter for any parties concerned to resolve.
65. The site is considered to be a sustainable site served by infrastructure such that although noting the objections, they do not however collectively nor individually form a plausible basis for finding the development proposed unacceptable in planning policy terms as the development is in compliance with planning policy.

CONCLUSION

66. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: No objection to this application but would suggest clarification is sought on whether the applicant has received the appropriate permissions from the other residents of Kingsway for access off Kingsway as this is a Private Road.

Essex County Council Highways: No objections subject to conditions relating to construction management plan, unbound materials, parking and turning areas, boundary planting, cycle parking and residential travel information.

Neighbour representations:

1 response has been received from the following address;

Lower Road: 62.

And which in the main makes the following comments:

- The new plans for 66 Lower Road for two new 4 bedroomed houses is a huge improvement on the earlier plans for flats with balconies that would have overlooked our rear garden and as we felt would have invaded our privacy!

- We have no objections to these two houses being built and the only real concern we would like to draw your attention to is the woodland that sits directly behind the rear boundary of No: 66 and that no boundary encroachment is made onto it and that no tree felling is done other than of course branches that overhang their property. We say this as a year or so ago we noticed some white tape with numbers on were bound round some of the trees in there close to their boundary and that a few of those marked have since been taken down, by who we don't know but seemed strange to us as we are led to believe the owners of this woodland live abroad?

Relevant Development Plan Policies:

National Planning Policy Framework 2021

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

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

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 07 and 08 received by the Local Planning Authority on the 5th January 2023 and plan reference 06 Revision A received by the Local Planning Authority on the 11th January 2023.

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

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

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

4. Prior to its use, details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

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

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

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

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

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

6. Prior to the first occupation of the development a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted shall be submitted to and approved by the Local Planning Authority, and shall be carried out in the first planting season following the commencement of the development,. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Council's Local Development Framework's Development Management Plan.

8. Any new boundary planting along the site frontage shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

9. Prior to first occupation of the development, the parking and turning areas for both dwellings shall be provided as shown on planning drawing 06 Rev A. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

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

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

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

11. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that the construction traffic is managed and to ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

12. The proposed first floor windows in the side elevation of the proposed dwellings shall be glazed in obscure glass and to a window design not capable of being opened below a height of 1.7m above finished floor level prior to first occupation of the room it serves. The windows shall be retained as such thereafter for the duration of the development.

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

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

Application No :	15/00778/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Grange
Location :	Land Rear Of 98 Down Hall Road Gayleighs Rayleigh
Proposal :	<p>Application to vary or delete condition 4 to permission for development of new bungalow as approved on 20th August 2015 under application 15/00308/FUL from:</p> <p>4 .Prior to the commencement of the dwelling hereby approved plans and details to demonstrate how Code Level 4 of the Code for Sustainable Homes will be achieved in respect of energy performance for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed those details shall be met for the dwelling on the site and be permanently retained thereafter in the agreed form.</p> <p>REASON: In order that the development achieves compliance with the energy performance aspect of Code Level 4 in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.</p> <p>To either delete the above condition from the consent or revise to demonstrate how the development will achieve Code Level 3 of the Code for Sustainable Homes will be achieved in respect of energy performance for the dwelling.</p>

SITE AND PROPOSAL

1. This application is to a site formed to the rear of No. 98 Downhall Road but from Gayleighs.
2. The original application sought planning permission to demolish the garage, subdivide the plot at the rear and construct a detached three bedroomed bungalow with rooms in the roofspace taking access from Gayleighs. The bungalow would have an "L" shaped plan form having a width of 10.005m and depth of 9.665m reducing down to a depth of 7.53m. The pitched roof would have an overall ridge height of 6.51m and the walling would have a height of 2.45m.

3. This application seeks to vary or delete condition 4 to permission for the development of the new bungalow as approved on 20th August 2015 under application 15/00308/FUL from:

“Prior to the commencement of the dwelling hereby approved plans and details to demonstrate how Code Level 4 of the Code for Sustainable Homes will be achieved in respect of energy performance for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed those details shall be met for the dwelling on the site and be permanently retained thereafter in the agreed form.

REASON: In order that the development achieves compliance with the energy performance aspect of Code Level 4 in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015”.

4. The applicant sought to either delete the above condition from the consent or revise to demonstrate how the development will achieve Code Level 3 of the Code for Sustainable Homes will be achieved in respect of energy performance for the dwelling.

RELEVANT PLANNING HISTORY

5. Application No. 15/00308/FUL - Demolish Existing Garage, Erect 3 Bed Chalet Bungalow With Access Off Gayleighs – Approved – 20th August 2015.

MATERIAL PLANNING CONSIDERATIONS

6. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
8. The general powers for Local Planning Authorities to impose conditions on the grant of planning permission are set out in sections 70 and 72 of the Town and Country Planning Act (TCPA) 1990, although statutory powers to impose conditions are set out in TCPA 1990, ss 73, 73A, 96A and Sch. 5 Pt.1. The Secretary of State (SoS) also has powers to impose conditions on Appeal in TCPA 1990, ss 77, 79, 177 and Sch. 6.
9. TCPA 1990, s.70 provides that where an application is made to the Local Planning Authority (LPA) for planning permission, the LPA may

grant planning permission, either unconditionally or subject to such conditions as they think fit or refuse planning permission.

10. TCPA 1990, s. 72 provides that, without prejudice to the generality of TCPA 1990, s 70, conditions can be imposed on the grant of planning permission:
 - For regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorized by the permission;
 - For requiring the removal of any buildings or works authorized by the permission, or the discontinuance of any use of land so authorized, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

11. In addition to the above, para 56 of the National Planning Policy Framework states Planning conditions should only be imposed where they are:
 - Necessary;
 - Relevant to planning and;
 - To the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.

12. The principle of development on this site has already been accepted as part of application 15/00308/FUL. This is solely a Section 73 application which seeks to either vary or remove condition 4. The applicant infers that the imposition of condition 4 on planning application 15/00308/FUL is unreasonable, and they wish to either remove or vary it. Condition 4 states that: -

“Prior to the commencement of the dwelling hereby approved plans and details to demonstrate how Code Level 4 of the Code for Sustainable Homes will be achieved in respect of energy performance for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed those details shall be met for the dwelling on the site and be permanently retained thereafter in the agreed form.

REASON: In order that the development achieves compliance with the energy performance aspect of Code Level 4 in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial

Statement 2015”.

13. The applicant has instructed an SAP Assessor who states that SAP calculations have been completed to Code for Sustainable Homes Level 3, this is to Building Regulation standard where the Target Emissions Rating of the dwelling with respect to carbon dioxide is met. The target is calculated by central government agencies to ensure new dwellings are fit for purpose to allow home-owners to benefit from very low energy bills primarily to reduce the use of fossil fuels.
14. The statement goes on to enunciate – to enable this higher-level status the installation of Photo voltaic panels including associated hardware connected to the dwellings electricity metre is necessary, very few options are available (e.g. the plot is not suitable for a ground source heat pump). It is estimated that between 6 or 7 standard panels providing 0.25kW of power each are required to be installed. This is more panels than would be required for a dwelling with a southerly elevation and roof pitch at the optimal 30 degrees. Consequently, it should be deemed unreasonable to apply such a condition as the orientation of the structure and design of the roof do not allow the PV panels to produce sufficient electricity efficiently thus wasting earth’s natural resources to achieve this goal of Level 4. Furthermore, the economic argument should also be recognized, housing is not affordable in this region. This is due to demand for housing being higher than supply and trying to achieve Level 4 simply adds to this crisis with little gain environmentally, but severe social consequences stored up in the future.
15. It should be recognized that the government have since given the duty of care to Building Control under the Building Regulations to conserve Fuel & Power L1A through the requirements of the Building Regulations. Building Control professionals have the technical and practical expertise to deal with these issues in the best interests of the public. The requirements set by the requirements of the Building Regulations are sufficient to ensure those living in new dwellings are sufficiently airtight, insulated, heated and lit efficiently in order to conserve and use water energy effectively.
16. It is considered in light of the above statement that due to a number of factors the property was unlikely to achieve Code Level 4 and the imposition of the condition requiring that this level be met can be considered to be unreasonable and as such questions the legitimacy of the condition. Considering all the information to hand, the case officer is aware of comments made by the Town Council, that the condition should be varied to read Code Level 3, which the applicant is willing to accept.

CONCLUSION

17. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: Objects to this application as all conditions should be adhered to.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) – policies H1, H6, ENV9, CP1, T8

Development Management Plan (December 2014) – policies 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: 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. No development shall commence, before details of all external facing and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

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

3. Prior to the commencement of the dwelling hereby approved plans and details to demonstrate how compliance with part G water efficiency of the Building Regulations (2010) as amended will be achieved for the development shall be submitted to and agreed in writing by the Local

Planning Authority. Once agreed part G of the Building Regulations (2010) as amended shall be met for the dwelling on the site and shall be permanently retained thereafter in the agreed form.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Council's adopted Core Strategy and the advice contained in the Ministerial Statement 2015.

4. The dwelling hereby approved shall achieve Code Level 3 of the Code for Sustainable Homes in respect of energy performance for the dwelling.

REASON: In order that the development achieves compliance with the energy performance aspect of Code Level 3 in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no dormers, windows or openings other than those shown on the approved drawing No.02 Rev. B hereby approved shall be inserted, or otherwise erected, within the roof area (including roof void) on any elevation of the dwelling hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interests of maintaining privacy between adjoining occupiers.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) the first floor gable end window serving the master bedroom as shown on the approved drawing No.02 Rev. B hereby approved, shall be glazed in obscure glass. Thereafter, the said window shall be retained and maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over such details, in the interests of privacy between adjoining occupiers.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on any elevation of the dwelling hereby permitted, in addition to those shown on the approved drawing No.02 Rev. B hereby approved.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interests of maintaining privacy between adjoining occupiers.

8. The existing group of trees shown within the site immediately to the boundary shared with No. 2 Downhall Close on the approved drawing No. 02 Rev. B shall hereafter be retained and not pruned, removed or otherwise reduced in height, without the prior written agreement of the Local Planning Authority.

REASON: To enable the Local Planning Authority to secure the retention of the existing tree screen to provide a degree of natural relief between the proposed bungalow and neighbouring occupiers in the interests of visual amenity.

9. Prior to the first occupation of the proposed dwelling, provision shall be made for a tandem vehicular parking space for the new dwelling, as shown in principle on planning drawing No1 revision B date stamped 26 June 2015 prepared by Alex Robinson Property Designs. This tandem parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

10. Prior to the first occupation of the dwelling hereby approved the applicant shall make provision for two vehicular parking spaces for the existing dwelling No. 98 Downhall Road as shown in principle on planning drawing No1 revision B date stamped 26 June 2015 prepared by Alex Robinson Property Designs. Each space shall be constructed to minimum dimensions of 2.9m width and 5.5m depth.

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

11. No unbound material shall be used in the surface treatment of either of the vehicular accesses and hard standings within 6 metres of the highway boundary.

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

12. There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

13. Prior to the commencement of the development, areas within the curtilage of the site for the purpose of loading / unloading / reception

and storage of building materials shall be identified clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

14. Prior to the occupation of the proposed development, the Developer shall be responsible for the provision and implementation 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.

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

The local Ward Members for the above application are Cllr. Mrs J.R. Lumley, Cllr. Mrs. AL. J. Newport and Cllr. Mrs. V. A. Wilson