



PLANNING APPLICATIONS WEEKLY LIST NO.1656
Week Ending 10th 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 March 2023
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **15th 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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Application No :	23/00049/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley And Ashingdon
Location :	198 Plumberow Avenue Hockley Essex
Proposal :	Demolish existing detached house and construct 2 no. four bed roomed detached houses and 1 no. two bed roomed detached bungalow

SITE AND PROPOSAL

1. The application site is located on the south eastern side of Plumberow Avenue. The area is predominately residential in character and is located wholly within the settlement zone of Hockley. There is an eclectic mix of properties on Plumberow Avenue 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 generally 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 relates to a relatively large detached property, which is accessed via a private drive which traverses between Nos. 194 and 200 Plumberow Avenue. The applicants dwellinghouse is a 2 storey high property constructed out of facing brick under a concrete interlocking tile roof. Located within the applicants curtilage are numerous outbuildings. The application site itself is relatively flat. The northern, eastern and southern aspects of the site (for the most part) are contained by 1.8m high (approx.) close boarded timber fencing.
3. The proposal is to demolish the existing detached house and construct 2 no. four bed roomed detached houses and 1 no. two bed roomed detached bungalow.

RELEVANT PLANNING HISTORY

4. Application No. 88/00014/FUL – Retention of covered area at front – Approved - 02.03.1988.

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. 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 the proposals should contribute positively to making places better for people (para 126).
8. 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).
9. 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.
10. 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.
11. The proposed development involves the demolition of the existing detached dwellinghouse currently in-situ and the replacement with 3No. detached dwellinghouses; the application site is located wholly within the settlement boundary of Hockley. 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.

12. 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

13. 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 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 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.
14. 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.
15. 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.

16. 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).
17. 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).
18. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density and character of the site 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.
19. The redevelopment of an existing private garden, especially where a significant contribution to local character, often disrupts the grain of development and will be considered unacceptable. The properties along this section of Plumberow Avenue demonstrate varying styles of architectural influence. The large plot to which the existing residential property is sited is a common feature of residential properties to this side of Plumberow Avenue, some of which have been developed in a similar fashion as proposed by this application such as that to Nos. 190 and 192 with 190a to the rear. Also No. 198 to the rear of No. 200 adjoining the application site. Furthermore, 206 Plumberow Avenue, was granted planning permission for the demolition of the existing detached house and to construct 2 No. four bedroomed semi-detached houses and 1 No. three bedroomed detached bungalow which is sited directly behind the properties fronting Plumberow Avenue.

20. The plot of land which forms the application site, is roughly shaped like a letter 'L'. The longer leg of the letter 'L' forms a drive which traverses the sides of Nos. 194 and 200 Plumberow Avenue and opens out where the applicants property is located. According to the submitted planning application forms the plot measures approximately 953m² (including the access). According to plan reference 22.166/02 (Proposed Site Layout Plan) the applicant is proposing to erect a detached bungalow adjacent to No. 194 and the two remaining dwellinghouses will be located at the rear of the plot following the demolition of the existing dwellinghouse. According to plan reference 22.166/02 both plots B and C would be sited a minimum 1m off the plot boundaries and there is a distance of 2m separating the gables of each of these dwellinghouses and as such broadly accords with guidance advocated within the SPD. It is noted that the proposed bungalow (plot A) would be located only approximately 200mm off the common boundary shared with No. 194 Plumberow Avenue.
21. According to the submitted plans the footprint of the proposed dwellings to Plots B and C would be rectilinear in shape. According to the submitted plans the proposed dwellings would measure approximately 9.8m wide by 9.5m deep (at the widest points) and 2.5m high to the eaves and 7.7m high to the apex of the pitched roof. Located on the front and rear roof plans will be a large flat roofed dormer which occupies a significant portion of the roofscape. Located at the rear of each property will be the private amenity space, which will be enclosed by a suitable boundary treatment that will be secured by the imposition of an appropriately worded planning condition, in the event that planning permission is approved. Whilst at the front of each of these plots will be car parking spaces (2No. per plot).
22. As previously enunciated the application site is currently occupied by a detached dwellinghouse. 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 followed. The proposed dwellinghouses are commensurate in height to the existing detached property which is currently in-situ. Overall, it is not considered given the variation in ridge heights in the locality and the siting of the proposed dwellinghouses (plots B&C) will cause demonstrable harm to the streetscene. The proposal would not appear visually jarring, and it is not considered that they will appear as discordant feature within the streetscene.
23. The two dwellings to the rear of the site would be constructed out of block (presumably) and rendered and under a composite slate effect roofing tile. The proposed dormers will be clad in grey slatted neo timber composite cladding. Located on the rear elevation will be a set

of bi-fold doors and a personnel door. On the gables will be a few apertures which serve a bathroom and landing, whilst the ground floor aperture will serve a kitchen. Located on the front will be another personnel door, 2No. apertures. Internally the proposed dwellinghouses will comprise hall, w.c., formal lounge, cupboards, utility, kitchen/diner/living room. Whilst the first-floor accommodation will comprise 4No. bedrooms with one of them being en-suite, cupboard and family bathroom.

24. 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, as well as to the Essex Design Guide.
25. The Essex Design Guide states that dormers should be incidental to the roof space and should be used to light the roof space rather than to add headroom over any great width. The Supplementary Planning Document 2 (SPD2) supports the Essex Design Guide by stating that for proposals involving rooms in the roof of the dwellings, any projecting walls or windows shall respect the scale, form and character of the existing or proposed dwelling and shall ensure that substantial roof verges are maintained at the sides and below any projecting dormer. The guidance goes on to advise that front and side dormers shall have pitched roofs and that dormers projecting above the ridge line or beyond the roof/hip will be refused.
26. The applicant is proposing to install 2No. flat roofed dormers (one on each roof plane) and they will measure approximately 7.4m wide by 2.36m. The proposed dormer will be set back from the eaves and verges and set down from the ridge. The dormer design is set down from the ridge and set back from the eaves and verge. Nevertheless, given the size and scale of the dormer it will appear excessive. It is considered that the proposed dormer would appear overly prominent and top heavy. The current dormer design would go against the guidance in SPD2 and the Essex Design Guide which seek to ensure dormers are incidental in the roof space. The proposed dormers would not appear incidental but would appear excessive, contrary to the good, high-quality design sought within paragraph 134 of the NPPF, policy CP1 of the Council's Core Strategy and policy DM1 of the Council's Development Management Plan 2014.
27. Turning to plot A this property would have an elongated rectilinear footprint and the proposal measures approximately 18m long by 4.7m

wide and is 2.2m high to the eaves and 5.1m high to the apex of the pitched roof. The proposed dwellinghouse will be constructed out of facing brick and the front elevation will be clad in grey slatted Neotimber composite cladding (to match plots B&C) under a composite slate effect roof. Located on the front of the property is a projecting oriel window, which helps to give the property some character and breaks up its scale and massing, and a personnel door. On the side elevation facing the access drive are 3No. windows. No apertures are proposed on the opposing side elevation to face No. 194. On the rear elevation there will be a set of patio doors, flanked on each side by large glazed apertures. On the roof plane facing No. 194 Plumberow Avenue will be 4No. rooflights, no rooflights are proposed on the opposing roof plane. Internally the property will comprise a hall, 2No. bedrooms with one being en-suite, cupboard, family bathroom and an open plan kitchen/dining/living room. Located at the rear of the property will be private amenity space, which will serve the proposal. Whilst at the front of the property will be 1No. car parking space.

28. It is considered that the proposed bungalow would appear cramped and to have been shoehorned in and as a result, the proposal would sit awkwardly amongst the larger plots. The positioning of this dwelling tight against the common boundary shared with No. 194 Plumberow Avenue and with the access road offers it little relief. The resulting dwelling would appear incongruous and out of character with the surrounding built environ. This is exemplified by the width of plot A which measures approximately 5.9m wide. As previously stated, the Council's Supplementary Planning Document 2 – Housing Design requires a distance of 9.25m for detached dwellings or 15.25m for semi-detached pairs or for the development to be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. All the existing dwellings in the close proximity to the site have varying frontage widths, which are substantially greater 5.9m. It is acknowledged that the width of some of the neighbouring plots are smaller than those advocated within the SPD, many of which predate SPD2, which was adopted in 2007. Notwithstanding the above, it is the case officers' opinion that examples of disharmonious development should not be used for justification for similar discordant proposals. Overall, the proposal is not considered to be compatible with the existing form and character of the area, contrary to the Council's Supplementary Planning Document 2 – Housing Design.
29. It is considered that the scale and bulk of the proposed dwellings would be situated on plots that are tightly knit and are substantially smaller than the neighbouring plots, in particular plot A. The proposed layout and setting would not have a good relationship with the surrounding

area, with poor plot width resulting in a tightly packed development at odds with the generally more spacious character of the locality. The development as proposed would result in an incongruous and cramped form of development which would be detrimental to the character and appearance of the site and surrounding environ. The layout of the proposed dwellings (in particular plot A) would not successfully reference the prevailing character of the area appearing out of keeping, to the detriment of the surrounding streetscene, contrary to policies H1 and CP1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan and the NPPF.

Impact on Residential Amenity

30. 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.
31. 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.
32. The application site is adjoined by No. 200 Plumberow Avenue to the north west, No. 194 Plumberow Avenue to the south west, the new property under construction located to the north of the application site and the detached property to the east of the application site, No. 8 Branksome Avenue. The existing dwelling is modest in size relative to the scale of the plot.
33. 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.
34. According to the submitted plans the front elevation of plot B will be located approximately 8.7m off the common boundary with No. 200 Plumberow Avenue. The front elevation of plot C will be located approximately 7m off the common boundary of the proposed bungalow

(plot A). It was also observed that both plots will be located approximately 9m off the common boundary shared with the property located towards the rear of the application site, No. 8 Branksome Avenue. As previously stated, according to the submitted plans there are flat roofed dormer windows proposed on both roof planes which will overlook the private amenity space of these adjacent properties. The proposed dormer windows serve bedrooms which contain principal windows. The orientation and juxtaposition of the proposed development with those adjoining homes would have a significant detrimental and harmful impact upon the amenity of existing and future occupants as a result of overlooking and a loss of privacy.

35. Located directly to the north of the application site is a bungalow which at the time of the case officers site visit was currently under construction. According to the submitted layout plans the gable of plot B will face this property. Plan reference 22.166/04 shows that on the gable of this property will be 2No. windows (one at ground floor and one at first floor). The ground floor window will serve a kitchen, whilst the first-floor window will serve a bathroom. The case officer considers that the proposed boundary treatment will help to mitigate any negative externalities associated with the proposed ground floor window. Whilst the first-floor window which serves a bathroom will presumably be obscured glazed, in the event that planning permission is approved, the case officer considers it prudent to attach a condition stipulating that this window is be obscurely glazed. In relation to height, it is considered that the proposal is commensurate in height with the existing property, albeit it will be located much closer to the shared common boundary. Due to the orientation and location of the properties it is not considered that the proposal will be overbearing or result in significant overshadowing.

36. In relation to 194 Plumberow Avenue, this property is a dormer bungalow and one the dormer windows overlooks the application site. The case officer noted that the boundary treatment separating this property (No.194) from the application site comprised a 1.8m high close boarded timber fence. It is not considered that the proposal will have a significant detrimental impact on the residential amenities of the occupiers of this property.

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 compliant with DM1 and DM3 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Sizes

38. Policy DM3 of the Council's 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-bedroom dwellings where a minimum private garden area of 50 m² would be required. The proposed development would provide two, four-bed dwellings (plots B&C) and one, two bedroom property. According to the submitted plans plot B would be provided with private amenity space which equates to 118m², whilst plot C would be afforded 115m² of private amenity space, both of which would satisfy the outdoor amenity space requirements, as set out in SPD2. However, the amount of private amenity space given to plot A would amount to 45m², and as such would fail to comply with the guidance advocated within the SPD. It is considered that lack of adequate private amenity space will have detrimental impact upon the well-being of future occupiers of this property.

Sustainability

40. 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.
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. A single storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum GIA of 61m² or 70m². Additionally, the dwelling must have a minimum of 2m² of built-in storage.

44. 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 75.8m² (plot A), 152m² (plot B) and 152m² (plot C).

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

Plot A (Bungalow)		Plot B		Plot C	
Bedroom No.1 (Master)	15.68m ²	Bedroom No.1 (Master)	17.7m ²	Bedroom No.1 (Master)	17.7m ²
Bedroom No.2	10.35m ²	Bedroom No.2	9.59m ²	Bedroom No.2	9.59m ²
-		Bedroom No.3	13.92m ²	Bedroom No.3	13.92m ²
-		Bedroom No.4	11.85m ²	Bedroom No.4	11.85m ²

46. According to the submitted plans all the bedrooms for the 3No. units comply with the aforementioned policies and exceed the Internal Floor area. It was noted that the storage area was 1.3m² (Plot A) and 2.1m² (Plots B&C). Whilst the proposed storage area does not strictly accord with the guidance advocated within the Technical Housing Standards document (2015). It is considered given the GIA exceeds the recommended minimal, there is insufficient justification to warrant a refusal and substantiate it at any future Appeal.

Drainage

47. 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

48. 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 considered acceptable in flooding terms.

Refuse and Waste Storage

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

Trees

50. Policy DM25 of the Council's Development Management Plan seeks to protect existing trees particularly those with high amenity value. It is noted that there are a few trees located within the application site. However, none of these trees are protected by TPO's nor worthy of being afforded such protection. In the opinion of the case officer no trees or existing landscaping features of a high amenity value 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 considerations

51. 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.
52. 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.
53. 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.
54. Colleagues in the County Council's Highways department (HA) have been consulted and state that in principle the Highways Authority have no objection to the proposal. However, the Highways engineer goes on to stipulate that her only minor concern is regarding "*[There is] only one proposed parking space for the 2-bed bungalow, but the location is considered sustainable in terms of being a sensible walking distance to Hockley Railway Station and other local services*".
55. The engineer goes on to state "*if a second vehicle were to park at the bungalow, they will park adjacent to the proposed space and thereby partially block the shared entrance part of the driveway to the rear two dwellings. If this were to happen, there may be just about adequate room to allow an individual vehicle to pass to access the rear dwellings, but they may have to wait on the carriageway if another vehicle was exiting the site. However, given the good visibility, location and nature of the road this should not be a particular problem. To prevent this, I can include a condition that states that the first 6 metres for a width of 5.5 metres the shared driveway must be kept clear*".
56. Whilst the comments given by the HA are noted, the case officer on this occasion does not agree with the proposed solution. The Council generally requires parking for developments to be provided on site. The proposed bungalow is a two-bedroomed property and the requirements of the Local Plan, and the Parking Standards Design and Good Practice Supplementary Planning Document stipulate that properties

with a 2+ bedrooms must have a minimum 2 spaces per dwelling. The application fails to provide this requirement and may well exacerbate on street parking in the locality. Furthermore, there is concern that there would be pressure to park an additional vehicle adjacent to the property, which may impede the shared access. Consequently, this will form an additional reason for refusal.

Impact on Biodiversity

On Site Ecology

57. 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

58. 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.
59. 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

60. 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.

61. 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 £275.42 (£137.71 per additional dwelling) has been paid to the Local Planning Authority.

CONCLUSION

62. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: Members object to property detailed in the application as House A. This is overdevelopment of the site and extremely close to neighbouring property, the design of the property is also not enhancing of the street scene.

The application states that no trees will be removed but from viewing the plans the established tree at the front of the drive which will lead to the

properties is being removed, members request that this tree is not removed. Members do not object to property B and C within the application.

Essex County Council Highways: No objections subject to a condition stating that the first 6 metres for a width of 5.5 metres the shared driveway must be kept clear.

Neighbour representations:

Two responses have been received from the following addresses;

Branksome Avenue: 8.
Plumberow Avenue: 194.

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

- The proposed drainage strategy for surface water is unsatisfactory;
- We note from the drawings that there is no mention of any fences to afford privacy to adjoining owners. In particular, we consider that a 1800mm high fence should be provided to the back boundary to provide privacy to our habitable room.
- The proposal is likely to increase flooding in the locality.
- The access road could be built on the opposite side (next to 194) and the bungalow built along the opposite boundary fence between 198 and 200. This would have the added benefit of giving the bungalow and its garden more sunlight.

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: REFUSE

1. The proposed flat roofed dormer windows on the front facing roof planes of the dwellings proposed to plots B and C are not considered to positively contribute to the existing character and appearance of the streetscene. The dormers would appear excessive and not incidental to the roof space contrary to guidance on dormers within the Essex Design Guide 2018 and the Council's Supplementary Planning Document 2. The proposed dormers would be contrary to the good, high-quality design sought within paragraph 134 of the National Planning Policy Framework, policy CP1 of the Council's Core Strategy and policy DM1 of the Council's Development Management Plan 2014.
2. The proposed development, by virtue of its layout and setting of particularly the proposed bungalow at plot A, would create building plots and dwellings which would not successfully reference the prevailing character of the area lacking suitable side isolation space with the southern boundary with No. 194 Plumberow Avenue proving out of keeping with the more spacious established pattern of development and visually detrimental to the character and appearance of the site and the surrounding area. Furthermore, the amount of private amenity space afforded to plot A is insufficient and will have detrimental impact upon the well-being of the future occupiers of this plot. The proposal would therefore have a cramped appearance lacking local flavour contrary to policies H1 and CP1 of the Council's adopted Core Strategy and would fail to achieve a positive relationship with nearby dwellings contrary to policies DM1 and DM3 of the Council's adopted Development Management Plan and guidance advocated within Supplementary Planning Document 2 (SPD2) – Housing Design. Overall, the proposal would fail to add to the overall quality of the area in conflict with paragraph 130 a) and would fail to raise the standard of design in the area more generally and instead result in a development failing to fit with the existing form and layout of the site surroundings contrary to paragraph 134 b) to the National Planning Policy Framework.
3. The proposal if permitted would result in a development in respect of Plot A which would not incorporate adequate on-site parking facilities to the standard required by the Local Planning Authority as set out in the Rochford Development Management Plan, the Council's adopted Core Strategy and Parking Standards Design and Good Practice Supplementary Planning Document which require a minimum of two off street car parking spaces for dwellings with two or more bedrooms. If permitted, the proposal would be likely to lead to an undesirable

increase in on-street parking and potentially lead to conflict on the limited site frontage due to vehicles potentially blocking the shared access arrangements with the proposed dwellings to the depth of the site causing conflict between moving vehicles and increased on street waiting or parking pressure contrary to the provisions of policy DM1 of Rochford Development Management Plan, policy T8 of the Councils adopted Core Strategy and Supplementary Planning Document: Parking Standards - Design and Good Practice.

4. The proposed development would have a harmful impact upon the amenity of neighbouring and future occupants as a result of overlooking and a loss of privacy between the dwellings proposed to plots B and C and the occupiers of those properties adjoining and backing on to the site contrary to policy DM1 of the Council's adopted Development Management Plan and guidance advocated within Supplementary Planning Document 2 (SPD2) – Housing Design. Overall, the proposal would fail to add to the overall quality of the area in conflict with paragraph 130 a) and f) to the National Planning Policy Framework.

The local Ward Members for the above application are Cllr. M. R. Carter, Cllr. Mrs. D. L. Belton and Cllr. R. P. Constable.

Application No :	22/01211/OUT Zoning : MGB
Case Officer	Ms Katie Fowler
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Land Adjacent 10 Disraeli Road Rayleigh
Proposal :	Outline application all matters reserved except layout for construction of 2 No. four bedroomed chalet bungalows (Revised application following refusal of application ref: 22/00207/OUT)

SITE AND PROPOSAL

1. The application site is located on the south side of Disraeli Road and lies behind the group of dwellings built on the plot of No. 89 Rayleigh Avenue. The site forms part of the residential garden of No. 89B Rayleigh Avenue, however the lawfulness of this use has not been established. The site is currently closely mown with some vegetation including hedgerows and trees. There is also an outbuilding that has been constructed on the application site, again the lawfulness of this building has not been established.
2. Disraeli Road is an unmade track which links Rayleigh Avenue with The Drive. Towards its western end, Disraeli Road is closed to motor

traffic and runs through woodland. The boundary of the application site fronting Disraeli Road is made up of fencing and dense planting. Views of Rayleigh Avenue are very much present from this area of Disraeli Road, as such, the character and appearance of the area is of a residential enclave within a rural setting.

3. The proposal is for outline planning permission with all matters reserved except for layout. Matters relating to scale, appearance, access and landscaping are reserved for consideration at a later date, in a Reserved Matters application which would follow if outline planning permission were granted. For decision is the matter of the development in principle and the layout.
4. The proposal seeks to construct two four-bedroomed chalet style bungalows to the rear of No. 89B Rayleigh Avenue, fronting onto Disraeli Road. The plans submitted for determination in this application are the location plan and a site plan. Indicative elevations and floor plans have also been submitted.

RELEVANT PLANNING HISTORY

1. Application No. 10/00590/OUT – construct 3no. detached houses – Refused.
2. Application No. 11/00372/FUL – construct five bedroomed detached house with integral garage with access from Disraeli road – Refused.
3. Application No. 11/00373/FUL – construct five bedroom detached house with integral garage. Form new access onto Rayleigh Avenue – Refused.
4. Application No. 16/01071/OUT – outline application to demolish existing dwelling and outbuilding and construct 2no. four bedroom dwellings, 1no. five bedroom dwelling and 1 no. six bedroom dwelling, all with garages and amenity areas – Permitted.
5. Application No. 17/01049/REM – application for approval of reserved matters, access, appearance, layout and scale following outline consent reference 16/01071/OUT for 4no. dwellings – Permitted.
6. Application No. 22/00207/OUT – Outline application with all matters reserved for construction of 2 no. four bedroomed chalet bungalows – Refused for the following reasons:
 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.

2. 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 from the new household from time to time upon the local coastline. 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 NPPF which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt considerations

5. The site is located within the Metropolitan Green Belt as defined in the Council's adopted allocations plan (2014). The proposal must be considered with regard to relevant Green Belt policy. The National Planning Policy Framework (NPPF) sets out 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.

6. 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.
7. Only parts (e) and (g) in relation to infilling require consideration in relation to the current proposal.

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

8. The NPPF 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.
9. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Allocations Plan. 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. The distance of an application site from the

nearest village/urban centre is a consideration as is the character of the area immediately surrounding the site. Consideration must be given to whether the site is more closely related to and part of an area between and separating settlements or clearly part of a village. There is often an abrupt change in character and appearance beyond urban areas where sites would not be considered part of an existing village. Some villages may have significant linear form but some areas of such could be significantly more rural in character and as such may not be considered as part of a village. Instances of small clusters of buildings strung out along a rural road in a sporadic pattern with areas of countryside in between would not likely represent a village; the instance of pavements, facilities and services to the 'village' are all relevant considerations; instances of small clusters of rural buildings separate from larger settlements by areas of countryside character are unlikely to be considered part of a village. Whilst generally outlying dwellings would unlikely be considered part of a main village, each case should be considered on its own merits.

10. Although Rayleigh Avenue is located within the settlement of Eastwood, the application site is associated with a group of dwellings whose boundaries are contiguous with the built-up area of Rayleigh. Whilst there is no description within the NPPF of a 'village', Rayleigh and Eastwood are sizeable settlements and could not be described as 'village'. This view was supposed by a recent appeal adjacent to the site at No. 10 Disraeli Road (ref: 19/00736/FUL app ref: APP/B1550/W/20/3246466).
11. Taking into account the above, it is considered that the proposal would not amount to infill within a village. It is concluded that the application site could not be considered to be part of a village, failing the exception identified at paragraph 149 (e) of the NPPF.

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

12. 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.
13. 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 site as PDL

14. Previously Developed Land (PDL) is defined in the appendix to the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be

assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

15. The application site is unlawfully part of the residential garden of No. 89B Rayleigh Avenue which is within a built-up residential area. Although a plan has been signed by a friend of the applicant stating that this land has always been part of the residential garden, a new planning chapter started when the applicant built out the 2016 application on the site. As such, the use of this part of the garden is not lawful through passage of time.
16. The use of the site would therefore not be considered as PDL. Notwithstanding this, the proposed dwellings would be materially larger than the outbuilding on site. Therefore, even if the application site were considered to be PDL, the development would have a far greater impact upon openness and would therefore fail to comply with paragraph 149 (g) of the NPPF.

Other Considerations

Green Belt Boundary

9. The applicant has submitted within the Design and Access Statement that the application site does not meet the purposes of including land within the Green Belt. It is the applicant's view that the Council should not have included the application site within the Green Belt allocation as it includes "land which is unnecessary to keep permanently open" and because it does not "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".
10. The extent of the Green Belt boundary has been established for a significant period of time and was most recently re-established through the examination and adoption of the Council's Allocations Plan in 2014. Through this process, neither the Council nor the Inspector saw an exceptional need to amend the Green Belt boundary in this location on account of the requirements of the NPPF (now Paragraph 143, previously Paragraph 85 of the 2012 version).

Impact of Openness

11. Planning Practice Guidance (PPG) provides advice on the role of Green Belts in the planning system. With regard to openness, it sets out that three factors, but not limited to those three, can be taken into

account when assessing openness. These are the spatial and visual aspects of openness, the duration of the development and the degree of activity likely to be generated, such as traffic generation.

12. The site is currently demarcated by a 1.8m close boarded fence on the majority of the boundaries. There is no boundary which separates it from No. 89B. To the east of the site is the settlement of Rayleigh and the area is evidently more residential in character. To the south of the site is a small woodland. Together with the area to the west of the site, a rural character is created by way of either the absence of built form or modest sized dwellings in larger plots.
13. It is likely that the proposed development would not have a high visual impact on openness too far outside of the application site, at least from public viewpoints. From within the site and from the public view points on Disraeli Road, there would be a strong adverse impact of visual aspects of openness. There would clearly be built form (in the presence of additional hard-standing, buildings etc) of which there is little at present and this would be prominent to those who would walk past or live near to the site. Given the permanent nature of the proposal, it would extend the urban character beyond the existing settlement boundaries. This would be further exacerbated by the spatial impact of additional bulk and mass of buildings and their associated paraphernalia, independent of the character and appearance.
14. It was established within R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016] that openness means the state of being absent from built form. Having regard to this judgement, it can be considered that although the visual impact of openness may be limited from some aspects, the proposed development would still lead to a detrimental impact upon openness due to the development of land which was otherwise undeveloped.

Purposes of the Green Belt

15. Paragraph 138 of the NPPF sets out the five purposes of Green Belts:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
16. The Green Belt boundary in this location clearly distinguishes between the dwellings and gardens of the dense, urban areas of Rayleigh and Eastwood; and the less dense, sparser areas along, for example, Disraeli Road and The Drive, which clearly possess a less urban character than Rayleigh Avenue. It is not the case that because areas within the Green Belt in this location contain some urban features and

built form, they automatically do not contribute to the five purposes of the Green Belt.

17. Were permission granted for the proposed development, the contribution of this land to the Green Belt would be incrementally compromised in a number of ways; specifically by facilitating coalescence between Rayleigh and Eastwood, and by allowing sprawl beyond the denser urban areas into the less dense, sparser areas around, for example, Disraeli Road and the Drive. In this regard, the proposal would be considered to fail to adhere to the purposes as set out within paragraph 138 a), b) and c) to the detriment of the character and appearance of the Green Belt allocation.
18. Overall, it is considered that the proposed development would have a significant impact on openness, particularly the spatial element. In addition, there would be other Green Belt harm due to the contribution of the application site to two of the purposes of including land within the Green Belt and harm to them which would result. It is considered that these harms add to the significant harm to openness to which substantial weight would need to be given in accordance with paragraph 148 of the NPPF.
19. It is considered that the other considerations do not clearly outweigh the totality of harm that has been identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Layout

20. Based on the site plan (drg no. 007 Rev A) submitted with the application, it can be evidenced that two 4-bedroomed dwellings could be comfortably accommodated within the application site. The proposed layout identifies that two dwellings could be accommodated whilst maintaining the required 1m separation between all habitable rooms and boundaries. The proposed dwellings would be to appropriate plot widths and would conform with the urban grain of the area. The development would also comfortably accommodate the necessary parking requirements, garden spaces and refuse storage. Notwithstanding the acceptability of the proposed layout, this would not outweigh the harm identified to the Green Belt.

Trees and Ecology

21. There is an Oak tree subject to a TPO located on the boundary which fronts Disraeli Road. The Oak tree is categorised as A which are trees of high value and should be retained. Whilst a Tree Impact Assessment provided by Hallwood Associates has been submitted, this is in relation to the scheme which was previously proposed. The assessment has not considered the revised vehicular accesses or layout shown which is not a matter reserved. There is therefore insufficient evidence

submitted with the application to determine whether the proposed layout could be accommodated on the site without detrimentally impacting the TPO Oak tree and possibly causing it to decline. The proposal would therefore be contrary to Policy DM25.

22. There are no known ecological groups on the site that would be impacted by the proposal. The application site would not be considered a suitable habitat for ecological species.

Off-site Ecology

17. 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 of future residents to the dwelling proposed.
18. 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 two dwellings

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

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

- No

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

- No

19. 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.

20. 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.
21. Due to the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, the local authority cannot be satisfied that the proposal would not result in an adverse effect on the integrity of the Zone of Influence. Had such mitigation been in place, then cumulatively with the assessment above, the proposal could have been considered to have no implications on conservation objectives. However, no mitigation has been provided. This decision was upheld and the appeal dismissed at the sites of Ricbra, Lower Road in Hockley (Ref: APP/B1550/W/20/3244558) and No. 36 Larkfield Close in Rochford (Ref: APP/B1550/W/21/3267169).
22. 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.

Indicative Comments

23. As the application is for outline planning permission with all matters reserved except for layout, it is only the principle and the layout of the development that needs consideration. Nonetheless, indicative elevations and floor plans have been submitted with the application. The below considerations therefore relate to the principle of the development and other matters such as scale, appearance, landscaping, access and design would be considered at the reserved matters stage.

Residential Amenity

24. The key neighbours to the site are No. 10 Disraeli Road and Nos. 89B and 89C Rayleigh Avenue. The layout plan shows that sufficient separation could be maintained between the scheme and the existing dwellings in terms of preventing an unreasonable degree of overlooking. Consideration would need to be given to the positioning of windows in the proposed new dwellings.
25. Supplementary Planning Document 2 (SPD2) stipulates that first-floor extensions to dwellings should not project beyond an angle greater than 45 degrees with the ground floor front and rear windows of the adjacent neighbour. This '45-degree' test is also a good guide to assess the acceptability of proposed new dwellings in terms of their siting in respect of existing dwellings and resultant overshadowing. The proposed layout would not likely lead to significant overshadowing of neighbouring properties based on the scale of the indicative elevation plans.

Design considerations

26. The chalet style of the proposed dwellings is not objected to as there are examples of the use of dormers along Disraeli Road. However, the proposed design of the chalets would not be particularly attractive. The fenestration arrangement on the façade would appear off-balanced and disproportionate with the wall being overly dominant of the area of glazing. The National Model Design Code is clear that the composition of fenestration should reflect the daylight needs and hierarchy of these spaces. The use of large french doors at the first floor would fail to follow such a composition and would add to the disproportionate appearance of the façade.
27. The extent of wall would be further exacerbated by the oversized side dormers. The Essex Design Guide and Council's SPD2 – Housing Design are clear that dormers should be small and incidental to the roof space. They should be used to add light to rooms rather than add any great height or depth. In this respect, the dormer cheek should encase the window rather than there being large expanse of dormer cheek. The proposed dormers would be contrary to this policy and would not be considered favourably.

Sustainability considerations

28. 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.
29. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space

(Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

30. 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.
31. The indicative floor plans demonstrate that two 4-bedroomed 2-storey dwellings that met the gross internal area of the technical housing standards could be accommodated on the site.

Highways considerations

32. The Parking Standards Design and Good Practice guide (2010) states that dwellings with in excess of 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. 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.
33. The site would provide an area to the front of each dwelling that would be able to provide at least two off-street parking spaces which would be capable of measuring to the preferred bay size in accordance with the Parking Standards. The proposed development is considered to comply with Parking Standards and policy DM30 of the Development Management Plan.
34. The access to plot 1 as shown would unlikely be supported due to its encroachment to the trunk and Root Protection Area (RPA) of the TPO Oak tree. However, a shared access centrally shown was previously agreed by the highway authority and the Council's Arboricultural Officer and therefore officers' are comfortable that an access could be accommodated to serve the layout as proposed. As access is not for determination, an alternative location for the access could be conditioned were the application being recommended for approval.

CONCLUSION

35. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments have been received.

Rochford District Council Arboricultural Officer: The tree impact assessment relates to the previous proposal and therefore there is insufficient information to assess the proposal.

Essex County Council Highway Authority: No objection subject to conditions.

Neighbour Representations:

3 responses have been received from the following addresses;

Disraeli Road: 2, 6.
One reply of no address.

In the main the comments received can be summarised as follows:

- Increase of traffic.
- Noise pollution.
- Would set a precedent for other applications within the vicinity.
- Impact on wildlife.
- Inappropriate development within the green belt.
- All appeals on this site have been dismissed.
- Would represent urban sprawl.
- The development would not represent limited infilling.
- Appearance of the dwellings would not be in keeping with those in Disraeli Road.
- The rear boundary of 89b Rayleigh Avenue should be in line with 89a as this is what the planning application in 2016 and 2017 approved.

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, DM25, 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

Reasons for refusal:

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 as it would not be considered to meet any of the exceptions listed within paragraph 149 of the National Planning Policy Framework (NPPF). In addition, the development would have a detrimental impact upon openness and would be contrary to the purposes of its allocation within the Green Belt (as outlined by paragraph 138 of the 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.
2. Insufficient information has been submitted with the application to assess the impact of the development upon the preserved Oak tree on Disraeli Road. As such, it is not apparent whether the proposed layout (which is not a matter reserved) could be accommodated outside of the Root Protection Area and what mitigation would be required in order to retain the tree. It is therefore not clear whether the development would have an impact on the Oak tree that could lead to its decay and loss. The development would therefore fail to comply with Policy DM25 of the Council's Development Management Plan and the aims of the NPPF in respect of the importance of street trees.
3. 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 Special Area of Conservation (SAC) and Special Protection Area (SPA) due to the potential increased disturbance through recreational activity from the new household from time to time upon the local coastline. 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 NPPF which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

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

Application No :	22/01217/FUL Zoning : Town Centre
Case Officer	Ms Katie Fowler
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	39 Eastwood Road Rayleigh Essex
Proposal :	Change of rear elevation to move door and access steps.

SITE AND PROPOSAL

1. The application site is located on the northern side of Eastwood Road and forms a shop unit with maisonettes above. The rear elevation faces a car park which serves some of the shops and maisonettes along this part of Eastwood Road. The car park is accessed from Websters Way meaning the rear elevation is visible from the street scene of Websters Way. The site is located within the Rayleigh Town Centre boundary and just outside of the Conservation Area.
2. Planning permission is sought for the alteration of the rear elevation to move the rear access door and steps. Currently the door and steps are positioned central to the rear elevation of the unit. The proposal seeks to move these towards the western site boundary. This is to accommodate the reconfiguration of the internal layout.

RELEVANT PLANNING HISTORY

3. None relevant.

MATERIAL PLANNING CONSIDERATIONS

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

Impact on Character

6. Policy RTC4 of the Core Strategy outlines that the Council will ensure that Rayleigh Town Centre's role as the District's principal town centre is retained through encouraging the continuation of retail uses.
7. The proposed relocation of the rear access door and steps would have a negligible impact upon the appearance of the rear elevation. The rear elevation of this parade of shops does not serve well to the visual amenity of the street scene of Websters Way and the proposed development would not impact upon this one way or the other.
8. It is not uncommon for these units to provide rear accesses to the car park as this is where deliveries are taken in. Therefore, the proposed development would not appear out of keeping with the parade of shops in which it is located. In addition, it would facilitate the continued use of a commercial unit within the Rayleigh Town Centre boundary which is favourable to its allocation as such and the vitality of the town centre.
9. The proposed development would be compliant with Policy DM1 of the Development Management Plan, Policy RTC4 of the Core Strategy and the Rayleigh Centre Area Action Plan.

Parking considerations

10. Although the proposed access would lead out to the car parking area, the relocation of the steps would not have a greater impact upon the parking bays than the existing arrangement. The proposal would not lead to the reduction of parking bays to the detriment of highway safety.
11. Although at the time of the visit a car was parked parallel to the rear elevation, this space was not demarcated and therefore the relocation of the access steps would not impede parking in this location albeit perhaps in a slightly different orientation.

Refuse storage

12. During the site visit it was noted that the refuse to the commercial unit is currently stored in the location that the access steps are proposed. However, it is considered that the refuse could be stored where the existing access steps are located without impacting upon the operation of the car parking area.

CONCLUSION

13. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

No consultation comments have been received.

Neighbour representations: None received.

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) Policy RTC4

Development Management Plan (December 2014) Policy DM1

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

Rayleigh Centre Area Action Plan (2015)

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 be carried out in complete accordance with the following approved plans: CAD/PP/22616/001 REV A.

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.

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

Application No:	22/01197/FUL Zoning: NEL 1
Case Officer	Mike Stranks
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	Arterial Park, Chelmsford Road, Rayleigh SS6 7NG
Proposal:	The formation of a landscape bund, implementation of landscape planting scheme along with the installation of associated drainage infrastructure, plus erection of 2.4m high paladin fencing.

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. The original application provided for two balance ponds and landscaping to be provided at the site entrance area as part of the drainage solution for the site. Application 21/00809/FUL allowed for the deletion of these ponds following concerns at the instability they might cause to the adjoining railway embankment. The drainage scheme was revised to store waters held back into underground tanking and wider connection to phase 2 on the currently undeveloped part of the site.
3. This application seeks planning permission for the remodelling and landscaping of the land area to the north of the site entrance at the foot of the railway embankment and for the provision of security fencing to the northern side of the estate road and the western edge of this landscaped area with phase 2.
4. The proposal would take some clean cut spoil from cut and fill operations to phase 2 of the site to remodel the irregular shaped area of land to the northern side of the site access having an area of some 0.09ha. The resulting bund would have an overall height of between 2m and 2.6m above the adjoining street level and surrounding area with side slopes at a gradient of 1:3.
5. The bund will be drained by land drains to discharge into the site drainage system at a maximum rate of 10.3 litres per second at the 1 in 100 year plus 40% climate change critical storm event without significant effect upon the below ground storage drainage strategy for phase 2.
6. The bund would be capped with a 250mm thick subsoil overlain by 150mm of topsoil and landscaped with a native mix of shrubs, trees and wild meadow grasses.
7. The proposed fencing would be of a fine mesh patterned design 2.4m in height between metal posts following the northern side of the access road and western edge of the landscaped bund to the site entrance.

The fencing would be powder coated in a gloss black finish and would match that approved and implemented to the phase 1 car parking and yard areas.

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. 22/01198/FUL
The formation of landscape bunds, implementation of landscape planting scheme along with the installation of associated drainage infrastructure.
Pending consideration.

16. Application No. 22/01200/FUL
Erection of 2.4m high paladin fencing and entry gates, plus establishment of secure yard area and change to parking layout.
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 landscaping would provide four trees.

20. A *Prunus avium* “wild cherry” would be provided to the north east corner of the site. This species is native and deciduous and has a white bloom with reddish bark that can reach a height of 20 m.

21. To the eastern side of the bund ridge would be provided an *Acer Campestre*, also deciduous but with gold and green foliage capable of 12m in height.

22. To the western bund top would be planted two *Sorbus torminalis*, also deciduous capable of 15m – 20m height.

23. Part way down from the top of the bund but to the southern side of the slope, would be provided shrubs in the south facing foreground of the tree planting.
24. These would comprise one *Viburnum opulus* “guelder rose” of green foliage that can reach 8m in height with a 4m spread.
25. To the middle of the bund would be provided a group of three *Corylus avellana* “common hazel” that can grow to a height of 12m.
26. To the western end of the bund would be provided a group of three *Cornus Sanguinea* “dogwood” “midwinter fire” capable of 3m in height with deep red foliage in winter months.
27. The tree and shrub planting choices are each native and deciduous that can do well in most soils. The choices represent a healthy mix that would not allow disease common to one species to spread through the group.
28. The toe of the bund alongside the kerb edge would be planted with amenity grassland to form a verge. The remainder of the site and bund area would be sown with a wildflower meadow mix.
29. The landscaping would provide an attractive setting with year round visual interest at the gateway to the development with native species, generally good for supporting a variety of wildlife such as birds, insects and pollinators.
30. 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 new 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

31. The bund area is located north of the existing estate name sign and outside any forward visibility splay to the access onto the A1245 Chelmsford Road. The proposal would not compromise any highway visibility or movement of vehicles or pedestrians to the site.

Contamination considerations

32. The possibility of contamination from the use of material on the site has been addressed by the requirements of identification and mitigation procedures under previous applications and there is no need for repetition in this minor application.

CONCLUSION

33. The proposed landscaping and fencing would provide an attractive design and setting to the entrance of the site to the site achieving a desirable quality and character of place encouraged by national and local planning policies without any perceived failing for highway safety.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Neighbour representations: No neighbour representations 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

1. Commencement

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

RESON: 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. List of approved plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drg.No. 18007 P0020 Rev. B - Location Plan

Drg.No. 18007 P0021 Rev. A - Site layout – Proposed fencing layout

Drg.No. 18007 P0105 Rev. B - Proposed site Cross Section

Drg. No. 11866_P07 Rev. A – Phase 1 proposed bund soft landscaping proposals.

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.

3.Landscaping implementation

All approved planting shall be carried out in accordance with the approved plans and application details. Any tree or shrub including replacement plants being removed, uprooted, destroyed or be caused to die or become seriously damaged or defective within five years of planting shall be replaced by the developers or their successors in title with species of type and size and in positions to be agreed with the Local Planning Authority +-within the first available planting season following removal.

REASON: To ensure implementation of the landscaping scheme in the interests of visual amenity.

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