



**PLANNING APPLICATIONS WEEKLY LIST NO.1703**  
**Week Ending 15th March 2024**

**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 18.04.2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **20th March 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

Index of planning applications: -

- 1. 23/00933/FUL - Crouch View Lark Hill Road Canewdon pages 2 – 10
- 2. 23/01011/FUL – 111 Parklands Rochford pages 11 – 16
- 3. 23/00748/FUL - Barn Opposite 1 To 5 Disraeli Road Rayleigh pages 17 – 23.
- 4. 24/00085/FUL - Unit 7A Airport Retail Park Southend Airport Rochford Pages 24- 27

Application No :	23/00933/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	Crouch View Lark Hill Road Canewdon
Proposal :	Construction of an agricultural building with the installation of associated hardstanding and engineering operations involving the alteration of land levels in connection with the siting of an agricultural building (retrospective).

## **SITE AND PROPOSAL**

1. The site constitutes an area of agricultural land which forms part of a narrow band of land which extends from the edge of Lark Hill Road in a northerly direction terminating south of a path which crosses in front and south of a property known as “Glenesk” in Lark Hill Avenue. There are open fields to the east whilst a field’s width in distance to the west there are located a row of detached properties fronting Lark Hill Road, the nearest being “Riverview” which is not within the immediate vicinity of where the building is to be located. It has been previously understood and reported that the agricultural holding amounts to an area of approximately 1.6 hectares.
2. The land at its periphery in the summer months is screened from those properties by reason of the established hedge boundaries which offers the land as a whole a sense of physical containment and relative privacy.
3. The application site is the same site as that which was considered under the previous applications for an agricultural building under planning references 19/00660/FUL which was granted planning permission on 4th December 2019 and 21/00091/FUL which was granted planning permission on the 21<sup>st</sup> April 2021.
4. This application is entirely retrospective in nature having been submitted as a result of the planning agents communication with the Local Planning Authority indicating that the building had not been built in entire accordance with the approved permission and a site visit by the officer who dealt with that previous application and subsequent written advice advising that planning permission was required to cover the modest engineering works which had taken place (not covered by the previous application or planning permission) to set the building

down relative to the finished land levels and also changes to the roof pitch and external treatments.

5. This application seeks to regularize the development as it has been undertaken, taking into account that there exists planning permission for a building in broadly the same location as where the building has been built. Section 73A of the 1990 Town and Country Planning Act provides an established mechanism for which planning permission may be granted for development which has been carried out before the date of the application. The act specifically applies to development carried out without planning permission, in accordance with planning permission granted for a limited period, or without complying with some condition subject to which planning permission was granted. This type of application is more commonly referred to as a retrospective planning application.

## **RELEVANT PLANNING HISTORY**

6. Application No. 17/00988/DPDP6 - Application for prior approval for proposed agricultural barn – Application Returned
7. Application No. 19/00660/FUL - Erection of Agricultural Storage Building – Approved – 4<sup>th</sup> December 2019
8. Application No. 21/00091/FUL - Construct agricultural barn (for use for the storage of tools, equipment and machinery, animal feed and bedding) – Approved – 21<sup>st</sup> April 2021
9. Application No. 23/00697/DOC - Discharge of Conditions 3 (Roof cladding) 4 (Weatherboarding) and 5 (Timber boarding) of Planning Consent Ref. 21/00091/FUL – Refused – 19<sup>th</sup> September 2023

## **MATERIAL PLANNING CONSIDERATIONS**

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

## Background Information

12. Planning permission was relatively recently granted for the erection of an agricultural building (planning reference 21/00091/FUL). However, when the applicant attempted to discharge the conditions relating to the aforementioned application it became apparent that the building which was constructed on site was not the same building which had been granted planning permission.
13. In particular the roof ridge was higher at approximately 5.87m as compared to the height of the approved drawing which was cited at 5m. The roof pitch is steeper than that design previously approved resulting in a greater volume of building within that area between the eaves on either side and the roof ridge giving rise to a greater gable mass. Furthermore, the extent of the brick plinth and the style of the door opening is different to that of the approved drawing. The site plan also shows an area of hard standing which was not shown previously.
14. Consequently, the applicant was informed that they would either have to amend the building so that it complied with the approved plans or submit a retrospective planning application. The applicant has opted to submit a retrospective planning application which is the reason for this application.

## Proposal

15. According to plan reference CV/NAK/01 Revision C the building will be utilised for the storage of agricultural machinery, feedstuffs, and bedding. The building is constructed on a similar footprint to the recently approved scheme (21/00091/FUL) albeit it is now set further off the boundary delineating the applicants property from the adjacent field to the east. The building measures approximately 4.4m to the eaves and is 5.87m high to the apex of the pitched roof and is 9.14m deep by 11.95m long. The building has a footprint of approximately 106m<sup>2</sup>. Located on the west (front) elevation facing the existing access track is a large centralized roller shutter door which is 2.85m high by 4m wide. On the north elevation is a personnel door. An area of hard standing has been laid around the periphery of the building which adjoins the existing access track.
16. There are no other apertures on the remaining elevations. The submitted plans indicate that the building is located approximately 55 m north of the site entrance and its gateway set adjacent to Lark Hill Road and 8 m east of the field access track. The building is set 3.4m off the common boundary separating the applicants property from the adjacent field. The case officer noted located to the north west of the subject building is a poly tunnel (on the opposite side of the access track). The

building as depicted by the submitted drawing (which represents the building as built and as that requiring planning permission (which explains the reference in the plans to Existing & Proposed). The external elevation comprise a brick plinth measuring 1050mm relative to external finished floor level and ebony pretreated traditional wood feather edge boarding erected above under a juniper green box profile roof sheeting. According to the submitted plans the building has been sunk into the ground by approximately 1m to try and mitigate its impact on the Green Belt and this is considered accurately reflected on the submitted plans.

#### Principal of Development

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory responsibility on planning authorities to determine planning applications in accordance with the provisions of the development plan unless material planning considerations indicate otherwise.
18. The site is located wholly within the Metropolitan Green Belt as defined by the Council's adopted Allocation Plan. Key policy considerations include policy GB1 (Green Belt Protection) of the adopted Local Development Framework's Core Strategy and Chapter 13 of National Planning Policy Framework (Protecting Green Belt Land).
19. The key issues for consideration are:
  - (i) Whether the proposal is inappropriate development in the Green Belt
  - (ii) The effect on the openness of the Green Belt
  - (iii) Other considerations and
  - (iv) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

#### Consideration (i)

20. The National Planning Policy Framework at paragraph 152, indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

21. Paragraph 154 of the National Planning Policy Framework sets out the types of development which are considered inappropriate within the Green Belt but cites exceptions which include at criterion (a) buildings for agriculture and forestry.

22. It has been previously established at the time the previous applications were considered that evidence pointed to the fact that the use of the land despite its small area fell within the definition of Agriculture as defined by Section 336 of The Town and Country Planning Act 1990 which defined agriculture as the following:

*'The definition of agriculture. Section 336 of the Town and Country Planning Act 1990 defines agriculture' as including: horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land).'*

23. The determining authority has no reason to consider, given its previous acceptance of the use of the site that there has been any fundamental change in the use of the land as defined by the planning 'Act' which this development will serve. Consistent with the previous considerations the development is therefore considered acceptable in principle and is not defined as inappropriate development. It is considered appropriate that a condition be attached to the decision notice confirming the limited use of the building to an agricultural use as defined by Section 336 of the Town and Country Planning Act 1990 aligned with the planning application description.

Consideration (ii)

24. The second issue for consideration is that of the considered effects of the development upon Green Belt openness. The prevailing characteristic of the Green Belt is its openness and the general lack of built form. In considering impacts the local planning authority considers the area's context and prevailing character in addition to the visual dimension of openness and impacts particularly with regards to the height of buildings and structures which can affect the visual dimension of openness.

25. It is noted that the siting of this building is in a similar location to the building which was previously approved under planning reference 21/00091/FUL. However, it is apparent that the proposal has been moved roughly 3m further away from the common boundary.



Furthermore, the length of subject building is commensurate with the previously approved building. However, the height of the subject building is roughly 900mm higher than previously approved building and the roof is more steeply pitched. The building has been sunk approximately 1m below the adjacent ground level and this in actual fact (whether by design or intention or otherwise) assists the development in terms of mitigating the impact that the proposal will have on the openness and visual amenity of the Green Belt. The net effect of reducing the ground levels by way of the engineering operations to lower the finished floor level of the building is that its impacts in Green Belt terms will be no greater than the developments previously proposed.

26. The previous development approved would be visible within the wider landscape due to the topography of the site, however being visible does not amount to the same consideration as that of visual harm to the Metropolitan Green Belt. As such given that there will be no greater residual visual impacts arising in Green Belt terms from this development as compared to that previously approved, the imposition of a Landscaping condition to screen the gable elevation of the building nearest to Lark Hill Road is questionable. There are biodiversity enhancements to be achieved through opportunities for planting and opportunities to improve visual amenity of the site. It is considered that the planting of a native hedge in addition to native trees would meet these objectives and a condition is therefore attached at condition 2.
27. It is considered that the materials and overall design of the subject building is typical of many agricultural buildings and the building as built appears acceptable within the rural landscape. The building is of a standard, functional design and would become part of the agricultural holding. The building is appropriate in design and appearance, and it is not considered that there would be any significant impact on the street scene or the character of the area. The scale and bulk of the proposal would be appropriate when viewed in context with the existing buildings in the area and is commensurate in scale and design with other agricultural buildings within the Borough. Overall, the proposed development complies with Policy DM1 of the Local Development Management Plan and guidance advocated within the NPPF.
28. As previously indicated the applicant has laid hard standing around the periphery of the subject building. This new hard standing is considered to have both visual and spatial impacts on openness. The land was previously undeveloped. The construction of the hard standing around the building has increased the quantum and spread the development of the site. The hard standing comprises crushed hardcore type material, similar to the material used to construct the existing access track. The topography of the surrounding is undulating, and the majority of the

hard standing will be screened by the difference in levels. The case officer considers the area of hard standing given its close proximity to the existing access track will be seen as a retiring feature and is required to allow machinery to be moved around freely. It is not considered that the hard standing amounts to inappropriate development.

(iii) Other Considerations:

29. The Impact of the development upon wildlife and ecology. The land at the application site is well grazed such that there are no long-grassed areas capable of providing favourable habitat to support hibernating nor active Reptiles, Amphibians nor indeed invertebrates. There are no considered ecology impacts arising from the development.

Consideration (iv): Very Special Circumstances:

30. The issue of applying consideration to the very special circumstances does not apply as the proposals are considered policy compliant such that there is no need to weigh the very special circumstances against the 'harm.'

Impact on Residential Amenity

31. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
32. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which have already taken place (if retrospective) or will arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
33. According to the submitted plans the subject building is located approximately 83m from the nearest residential property to the west (Riverview) and a minimum of 80m away from Raymund which is a residential dwellinghouse located directly to the south (on the opposite side of Lark Hill Road). Overall, considering the separation distances



and intervening boundary treatment (which comprises of mature native hedgerow, which is punctuated at sporadic intervals by trees) it is not considered that the building would have a negative impact on the amenity afforded to any nearby occupier.

#### Flooding

34. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such there are no concerns with regards to flood or drainage issues and the development is compatible with the advice advocated within the NPPF. It is not considered the proposed development will exacerbate flooding within the immediate locality.

### **CONCLUSION**

35. Approve

### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Canewdon Parish Council: Are concerned regarding this application and feel this should only be allowed if there is clear evidence of an agricultural building

Neighbours: No comments received.

#### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023) Chapter 13  
Safeguarding Green Belt Land

Rochford District Council Local Development Framework Allocations Plan  
Adopted February 2014

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011) Policy GB1

Rochford District Council Local Development Framework Development  
Management Plan adopted 16 December 2014 Policy DM1

### **RECOMMENDATION: APPROVE**

#### Officer Note

Condition 1 is attached despite being retrospective in order that certainty is provided in terms of what development has been approved.

## Conditions

1. The development hereby permitted shall be carried out in complete accordance with the following approved plans Existing Layout and Elevations plan reference CV/NAK/01 Revision C (as per date stated on plan 1<sup>st</sup> November 2023) and Existing and Proposed Site Plans plan reference CV/NAK/02 Revision C (as per date stated on plan 1<sup>st</sup> November 2023).

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.

2. Within three months of the grant of permission a landscaping plan for the southern boundary of the application site adjacent to the agricultural building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include planting plans, written specifications and schedules of plants, noting species, planting sizes and the proposed numbers and densities. The landscape plan shall be implemented within the next available planting season following the approval of the required details. Any tree, shrub, or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the applicant or his successor in title with species of the same type, size and in an agreed location.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

3. There shall be no artificial lighting incorporated into, installed or used at this application site that increases the pre-existing illuminance at the adjoining light sensitive locations when they are in operation.

REASON: To protect the amenities of the local residents by reason of excess of illuminance.

4. The development hereby permitted shall be used for no purpose other than Agriculture as defined by Section 336 of the Town and Country Planning Act 1990.

REASON: To provide clarity regarding the limitations of the use in alignment with the details of the submitted planning application.

The local Ward Member(s) for the above application is/are Cllr S Wootton Cllr I A Foster Cllr Mrs L Shaw

Application No :	23/01011/FUL      Zoning : Residential
Case Officer	Mr Richard Kilbourne
Parish :	Hawkwell Parish Council
Ward :	Hawkwell East
Location :	111 Parklands Rochford Essex
Proposal :	Replacement of existing double glazed timber casement windows and rear door with new uPVC double glazed alternatives. Replacement of existing timber front entrance door with composite uPVC door. Replacement of existing uPVC gutters and downpipes with new uPVC alternatives to match existing.

## **SITE AND PROPOSAL**

1. The applicants property is a relatively modern 3 storey high block of apartments, which is adjoined by similar blocks of apartments on either side of the subject property. The property is situated on the western side of Parklands and is wholly within the residential envelope of Rochford. The use of the street is made up of predominately residential dwellings and this contributes to the sub-urban character of the street scene. The apartment blocks are slightly staggered with projecting gable elements and recessed alcoves which helps to break up the scale and mass of buildings. The subject building is constructed out of facing brick under a concrete interlocking tile roof. Located at the front of the apartment building is an area of hard standing, which can accommodate several vehicles and there is car park to the side/rear of the apartment building. The application site is not located within a Conservation Area and neither is situated adjacent to any Listed Buildings.
2. The proposal is for the replacement of existing double glazed timber casement windows and rear door with new uPVC double glazed alternatives. Replacement of existing timber front entrance door with composite uPVC door. Replacement of existing uPVC gutters and downpipes with new uPVC alternatives to match existing at 111 Parklands Rochford.

## **RELEVANT PLANNING HISTORY**

3. No relevant planning history pertaining to this site

## **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).

## Design

6. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
7. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
8. 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, part (x) refers to establishing a positive relationship with existing and nearby buildings 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.
9. The Housing Design SPD seeks to ensure that any alterations or extensions are harmonious in character, scale, form and proposed materials with the existing dwelling, have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the streetscene. As previously stated, the application site is located within a predominantly residential area within the settlement boundary of Rochford; where house alterations and extensions are generally acceptable in principle, subject to appropriate design, scale and massing, appropriate use of facing materials and is sympathetic to neighbour amenity, in accordance with Local Plan Policy DM1.

10. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
11. As previously stated, according to the Councils GIS database the subject site is not within proximity to any Listed Building and is not within the Rochford Conservation Area.
12. The existing block of flats is 3 storey high and measures approximately 5.3m wide by 12m deep (as measured at the widest point) and is 7.4m high to the eaves and 10.7m high to the apex of the pitched roof. The block of flats which is the subject of this application is set back from the public highway and located at the front of the building is an area of hard standing, which can accommodate several vehicles and soft landscaping. The application site is part of a larger block of flats, which incorporate projecting entrances and projecting gable elements, helping to break up the bulk and mass building. In the opinion of the case officer the block of flats is starting to show its age and is dreary, bland, and adds very little to the streetscene.
13. The proposal involves replacement of existing double glazed timber casement windows and rear door with new uPVC double glazed alternatives and replacement of existing timber front entrance door with composite uPVC door. The existing timber double glazed units are no longer viable as they have come to the end of their life. The proposals also involve the replacement of existing uPVC gutters and downpipes with new uPVC alternatives to match the existing. It is considered that the proposed alterations will improve the overall external appearance of the building and they will not have a detrimental impact on the character and appearance of the streetscene, in accordance with policy DM1 and advice advocated within the NPPF.

#### Impact on Residential Amenity

14. 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.
15. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of

a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.

16. According to the submitted plans no additional windows and/or doors are proposed that would result in overlooking to the detriment of amenity. The proposal involves the all the existing double-glazed window and door units are to be removed and replaced with new uPVC double glazed windows and doors to match the design of the existing. Furthermore, it is considered that the replacement gutters and downpipes on the building will help to improve the visual amenity and create a positive relationship with the streetscene and the wider environ.

#### Highways

17. Policies DM1 and DM3 of the Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
18. In accordance with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. Given the scale and nature of the proposed development will have no impact on highway access/egress arrangements or car parking areas.

#### Flooding

20. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such there are no concerns with regards to flood or drainage issues and the development is compatible with the advice advocated within the NPPF. It is not considered the proposed development will exacerbate flooding within the immediate locality.



## Trees

21. Policy DM25 looks to seek to conserve existing trees and hedgerows. There are no trees located on the site that would be impacted by the proposal.

## CONCLUSION

22. Approve

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkwell Parish Council: No objection to this application.

Neighbours: No comments received.

### Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – CP1

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

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

## RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced Block Plan reference 0421/M/202 (as per date stated on plan November 2023), Location Plan reference 0421/M/201 (as per date stated

on plan November 2023), and Proposed Elevations reference 0421/M/101 (as per date stated on plan November 2023).

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

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

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

The local Ward Member(s) for the above application is/are Cllr Mrs L A Butcher Cllr Mrs D P Squires-Coleman Cllr E O Mason

Application No:	23/00748/FUL      Zoning: Metropolitan Green Belt
Case Officer	Mr John Harrison
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Barn Opposite 1 To 5 Disraeli Road Rayleigh
Proposal :	Alteration and conversion of the existing building (including re-roofing) to provide a 2-bedroom live/work unit, with work unit to be within the Use Class E(g)(i).

## **SITE AND PROPOSAL**

1. Disraeli Road is effectively an unmade, unadopted cul-de-sac off Rayleigh Avenue, though it actually continues as a footpath only through a wood to The Drive. On its southern side at the end of the driveable section is a row of several bungalows. Opposite these are some small paddocks and the only significant building in these is the “barn” which is the subject of this application. Though described as a “barn” on the application it is not a traditional barn. It is constructed of corrugated iron and timber and is somewhat ramshackle and flimsy therefore. It comprises two open-sided horse shelters and is of single-storey height, approximately 2 metres. It is approximately 38 metres wide and its average depth approximately 67 metres. The building is set well back in the site, approximately 53 metres from the road frontage. It is approximately 17 metres by 7 metres, though it is L-shaped. The surrounding area is Green Belt with some sporadic development, mainly residential or agricultural/“horsicultural”.
2. The proposal is to convert the building into a live/work unit. The proposed floorplans show the building would have normal thickness external walls which would be necessary to comply with modern Building Regulations, but there is no indication of how this would be achieved. Normally, the planning system is not concerned with constructional details except sometimes for listed buildings, in this instance the proposal is to transform what are basically sheds to a properly insulated live/work unit. The application forms states the existing external finish of the walls is “wood”, though some of the walls are corrugated iron, and the proposed external finish is “wood”. In this instance constructional details are relevant as it is possible that conversion could only be achieved by demolition and rebuilding, especially as some sides are open. The plans show a mock pitch roof, i.e. a roof with slopes on the side but a flat area on top, being added to the building. The application form indicates this would be constructed of Welsh slate. This relates to a construction issue as it would appear the existing walls are not capable of supporting the weight of a roof. As well as showing a layout for a two-bedroom bungalow, the proposed floorplan shows an office area, approximately 4.5 metres x 3 metres.

The proposed Class E(g)(i) office use comprises offices to carry out any operational or administrative functions, a use which can be carried out in a residential area without detriment to its amenity.

## **RELEVANT PLANNING HISTORY**

3. 03/00131/LDC: Application for Lawful Development for an Existing Development, Comprising of an Existing Stable Block, Together with Parking of a Horse Box. Granted
4. 09/00169/COU\_C: Enforcement Notice – Storage of commercial vehicles. Notice served and appeal subsequently dismissed.

## **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).

Green Belt

7. Whilst the National Planning Policy Framework and Development Management Policy DM13 allow for the conversion of buildings in the Green Belt, both make clear that the buildings should be of permanent and substantial construction which this building is not. The proposal is therefore clearly contrary to Green Belt policy. A design and access statement has been submitted with the application suggesting that post-Covid there is a desire for people to work from home and this live/work unit would meet this demand. This does not constitute exceptional circumstances justifying the proposal as such accommodation could be provided outside the Green Belt. Furthermore it is considered that the development would amount to a new building in the Metropolitan Green Belt as the current rudimentary building is incapable of conversion and as such the development by definition would amount to inappropriate development contrary to paragraph 154 of the National Planning Policy Framework. In addition it is considered that the development would amount to harm by reason of its very presence and scale which would have a harmful impact on Green Belt openness in terms of its spatial and visual elements thereby conflicting with and undermining the objective of Green Belt policy as cited at paragraphs 152 to 154 of the Framework.

### **Impact on Character**

8. At the moment the site constitutes paddock land, land which contributes to the openness of the Green Belt. If the proposal were permitted, it is likely that the land would take the form of a typical garden with formal planting, paved areas, domestic accoutrements such as garden furniture and washing lines, etc. This would detract from the openness of the Green Belt and undermine two of the defined purposes of the Green Belt; checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment.
9. The design and appearance of the development bears hipped roofs with long side elevations featuring large glazed units. No chimneys are shown within the roof scape whilst the appearance is reminiscent of a stable or an agricultural building. Within the right setting and context and given compliance with policy in other respects at another location this design may be acceptable.

### **Impact on Residential Amenity**

10. The site is opposite the residential properties in Disraeli Road. The residential use will not cause more harm to these properties than the residential use of each of their neighbours. Arguably, the office use could harm in terms of comings and goings, particularly deliveries of supplies or equipment in large lorries. The area proposed for office use is small in scale and such a small-scale use would not be likely to attract many visitors or deliveries. Furthermore, the Class E(g)(i) use must be one that would not be detrimental to a residential area. Thus, an objection on this count would not be justified.

### **Traffic and Parking Issues**

11. It should be noted that the lawful development certificate authorised the parking of a horsebox approximately 8 metres by 3 metres and there is a parking area on the site. The Essex County Council Parking Standards would require the provision of three spaces, two for the residential use and one for the office, and this is achievable. Safe access to and egress from the site is possible. Whilst it is not ideal to have a development on an unmade and unadopted road, this has been accepted in other locations, therefore refusal would not be justified for this reason.

### **Garden Amenity Space**

12. This application proposes to create a new dwelling with an element of live work facilitated by a large office room annotated on the floor plans but there is nothing to distinguish this single storey bungalow dwelling from any other dwelling in this regard. The creation of a new residential planning unit requires the provision of adequate amenity space. As set out by the Local Development Framework's Supplementary Planning

Guidance SPD 2 (House Design) guidance which indicates the requirement for a minimum garden area space to serve new developments. In this case the requirement would be for an area of 100m<sup>2</sup>.

13. It is noted that the site and block plan delineate a much larger area which is that land which appears in the ownership of the applicant and this area on the basis of the scale provided on the plan amounts to 2,142m<sup>2</sup>. It is the signing off officers view that this area should have been marked in blue on the plan and a much smaller area defining the extent of the proposed residential planning unit marked in red on the plan. There is no concern that the amenity area cannot be provided but in approving or refusing an application where the definitive boundaries of the unit being created need to be set out, it is imperative that greater details and precision is provided in this regard. To be clear therefore the Local Planning Authority does not consider the extent of the red line in this instance as being accurate or appropriate in that it defines the residential planning unit proposed as a red lined area of that extent would not be acceptable even with withdrawing permitted development right for Schedule 2 Part 1 Class E development of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

#### **Technical Housing Standards: Overview**

14. New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards which sets out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. If it were accepted that this development were a conversion which it is not the creation of new residential accommodation in any event would be captured by these requirements.
15. A dwelling with two or more bed spaces should have at least one double room. In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5 square metres. One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. 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. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area.
16. The minimum gross floor space for a single storey 2 bed dwelling such as that proposed in this instance is 70m<sup>2</sup> with 2 m<sup>2</sup> inbuilt storage. The extent of the accommodation is approximately 84m<sup>2</sup> which



exceeds that minimum requirement. The minimum bedroom width for single bedrooms are just about met, therefore the development would be compliant in this regard.

## **Ecology**

17. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
18. The application has been accompanied by an ecological assessment. There is no evidence of bats roosting on the site, but it is likely they overfly the site and forage on it. The proposed development is unlikely to affect this significantly. It is likely there are hedgehogs and common toads on the site, but there is no evidence of other protected species. The report recommends actions which could be taken and required by condition to support wildlife on the site if the application were recommended for approval. On the basis of this report, a refusal on wildlife grounds would not be justified.

## **Ecology and RAMS Mitigation**

19. The proposal would constitute a gain of 1 dwelling within the district. The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site and the proposed development falls within the scope of the RAMS as relevant development. Given that the proposal is for additional housing, and its proximity to the SPA there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a likely significant effect on the European site.
20. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The likely significant effects arising from the proposal need

to be considered in combination with other development in the area and adopting the precautionary principle.

21. The Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA. The Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England (NE), the authority's position is that such measures would adequately overcome any adverse effects of the proposal on the SPA. This mitigation payment has been made such that the development proposed would provide adequate mitigation in accordance with policy.

### **Other Issues**

22. The property is of low risk of flooding from rivers or the sea, but subject to medium risk of flooding from the surface water. If approval were recommended, appropriate conditions would be necessary to deal with this.

## **CONCLUSION**

23. As this is not a permanent and substantial building the proposal to convert it is contrary to Green Belt policy and there are no special circumstances or other reasons to allow it. The change from paddock to domestic garden would be detrimental to the openness of the Green Belt. Also, though the mock pitch design does minimise its impact, the addition of the roof will also erode the Green Belt's openness. A refusal on Green Belt grounds is therefore clearly justified. A related issue is the application does not clearly demonstrate how the building will be successfully converted to a dwelling meeting modern insulation and other standards without total or very significant rebuilding. Thus, refusal for this reason is recommended.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rayleigh Town Council: No comments received

Neighbours: Representations have been received from the following addresses;

2 Disraeli Rd – nine houses were refused on this site and appeal dismissed (10/00686/OUT) and other Green Belt proposals have been refused and dismissed on appeal, no very special circumstances exist, domestic paraphernalia would erode Green Belt openness, not infilling as there are no

surrounding buildings, existing building is not of permanent and substantial construction, one house would have negligible impact on need for affordable housing, look of new building would not be in keeping with others in Disraeli Road.

6 Disraeli Road – existing building is just a shack, if allowed they would then apply to change to fully residential unit, traffic, noise pollution, more potholes in unmade road, precedent for more development on this land, building in area has already reduced wild life.

### **Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – GB1, GB2, CP1, ENV3, T1, T8

Development Management Plan (December 2014) – DM1, DM13, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

### **RECOMMENDATION: REFUSE**

1. The proposal represents the conversion of a redundant stable building which is not of substantial and permanent construction and considered incapable of being converted thereby contrary to criterion (i) of policy DM13 of the Rochford District Council – Local Development Framework Development Management Plan (2014). Furthermore, it is considered that the development would amount to a new building in the Metropolitan Green Belt as the current rudimentary building is incapable of conversion and as such the development by definition would amount to inappropriate development contrary to paragraph 154 of the National Planning Policy Framework. In addition, it is considered that the development would amount to harm by reason of its very presence and scale which would have a harmful impact on Green Belt openness in terms of its spatial and visual elements thereby conflicting with and undermining the objective of Green Belt policy as cited at paragraphs 152 to 154 of the Framework. There are considered to be no very special circumstances in this instance capable of being attributed any weight to materially outweigh the harm to the Metropolitan Green Belt.

The local Ward Member(s) for the above application is/are Cllr I H Ward Cllr R Milne Cllr R Lambourne

Application No:	24/00085/FUL:      Zoning: London Southend Airport and Environs Joint Area Action Plan
Case Officer	Mr John Harrison
Parish:	Rochford Parish Council
Ward:	Roche South
Location:	Unit 7A Airport Retail Park Southend Airport
Proposal:	Application to vary condition no. 4 (mezzanine restriction) of approved application ref: 17/00904/FUL (Proposed insertion of mezzanine floorspace and minor shopfront alterations)

## SITE AND PROPOSAL

1. The application property is one of the units in the Airport Retail Park which is an out-of-centre retail park situated between Rochford Road and Southend Airport. It comprises a “terrace” of shopping units plus another splayed at an angle to the “terrace” with a car parking area in front of it. Access to it is off the roundabout at the junctions of Rochford Road, East Woodbury Crescent and Manners Way. This application relates to a unit previously occupied by Oak Furniture Land which has been vacant since August 2020 and which is adjacent to Sports Direct.
2. This application is to vary a condition on a previous permission relating to the insertion of mezzanine floor space). Condition 4 of the consent stated:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or as amended), the mezzanine floor hereby approved shall be used only in association with the ground floor (as one single unit) and shall not exceed 786 square metres unless otherwise agreed in writing with the Local Planning Authority.

The reason for this condition was to enable the Local Planning Authority to retain control over the development in the interests of ensuring sufficient parking and of avoiding adverse impact on town centre viability.

3. The proposed new occupiers for the vacant unit are Next who also wish to operate a Costa Coffee café on the mezzanine. A lawful development certificate has been granted for this on the basis it would be ancillary to the retail use. They wish to increase the floor area of mezzanine permitted from 786 sq metres to 859 sq metres, an increase of 73 sq metres. It should be noted that this proposal is for internal works only. Generally internal works do not require planning permission, but in some instances inserting mezzanine floors into retail

shops do. In this case there is a limitation set out by condition and there needs to be a formal planning application submitted to enable that change in the extent of the mezzanine floor as compared to the previous planning consent.

### **Procedural Matters**

4. This section 73 application deals only with the subject matter of the application but will result in a new planning permission with any conditions considered appropriate being attached to the new planning permission. A section 73 approval does not grant a further 3 years for commencement but date the permission from the date the permission was granted originally in terms of commencement. However if commencement has already taken place this is not an issue. Other conditions are only relevant where they need to be carried over from the previous permission to ensure that certain provisions or safeguards remain in effect. The building is already erected and although it is not clear from any plan what external alterations are required as there are no plans submitted which show this – this application deal effectively with the revised terms of condition 4 only. The conditions attached as recommended are considered the only conditions necessary given the circumstances of this case.

### **RELEVANT PLANNING HISTORY**

5. 17/00904/FUL - Proposed insertion of mezzanine floorspace and minor shopfront alterations. Granted – 3 October 2017
6. 23/00895/LDC - Application for a certificate of lawfulness for a proposed use of the premises for Use Class E with ancillary café. Granted – 27 December 2023
- 23/00896/FUL - External alterations to shopfront. Granted – 21 December 2023

### **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). The issues to be considered in relation to this application are car parking and retail impact, reflecting the reasons why the original condition was imposed.

## **Car Parking**

9. The net internal floor area of the retail park is 8,564 sq metres. This proposal would increase it to 8,637 sq metres. The retail park has 420 parking spaces. The Essex County Council standard for non-food retail uses is one space per 20 sq metres of floorspace. Thus, there is an existing deficiency of 9 spaces and this would increase to 12 spaces if the development went ahead. The layout of the entrance to the site is such that it is unlikely that, if the car park is full, cars would end up queuing back onto the public highway. Thus, on balance, this is considered to be acceptable.

## **Retail Impact**

10. Clearly it is good practice to restrict out-of-centre retail floorspace so that it does not unduly harm nearby town centres by undermining their viability. In this instance, only an additional 73 sq metres of floorspace are proposed to provide an ancillary facility to serve the needs of customers. There is also a new Costa Coffee facility at Airport Business Park which is a Drive Through, however its existence and that proposed in this instance does not in the opinion of officers undermine the objective of the JAAP in supporting an element of supporting services aligned with the main thrust of promoting commercial uses and high-quality jobs on the park. Neither is it considered that a facility such as this would undermine the role of Rochford Town Centre. A retail impact assessment is not required as the floor space in question is below the 2500m<sup>2</sup> threshold which triggers this consideration.

## **CONCLUSION**

11. On balance, it is considered the proposal is acceptable in car parking terms whilst there will be no marked impact or detriment to Rochford town centre. It is therefore recommended that the application should be granted.

## **CONSULTATIONS AND REPRESENTATIONS**

Parish Council: No comments

London Southend Airport: No objection

Neighbours: Non received

### **Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – T1, T8, RTC2, JAAP



**RECOMMENDATION: APPROVE**

Conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 or any Order revoking and re-enacting that Order, the mezzanine hereby approved shall only be used in association with the ground floor unit (as one single unit) and shall not exceed 859 sq metres.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of ensuring sufficient parking and of avoiding adverse impact on town centre viability.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans referenced (plan reference Mezzanine Infill plan – 0TBC0-000-010- 001 revA).

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 Member(s) for the above application is/are Cllr J N Gooding  
Cllr M J Steptoe Cllr A L Williams