



PLANNING APPLICATIONS WEEKLY LIST NO.1731
Week Ending 11th October 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 24.10.2024.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **16th October 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 .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 Emma Goodings 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 :	24/00356/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Land Rear Of 22 And 24 Daws Heath Road Rayleigh
Proposal :	Subdivide site and construct 1 No. 3-bed bungalow with driveway and parking to rear of existing dwellings.

SITE AND PROPOSAL

1. The site comprises two semi-detached houses and a piece of land that is located to the north-west rear of each of these houses. There is a drop kerb in place off of Daws Heath Road, and the site is level and provides direct access between 22 and 24 Daws Heath Road.
2. There is a wide variety of housing types in the surrounding area, including houses, flats, bungalows, detached houses, and semi-detached houses. Each constructed with a different combination of one and two storeys, different heights, and different materials.
3. Planning permission is sought for building a detached single storey dwelling (Bungalow) on land to the rear of Nos. 22 and 24 Daws Heath Road. The bungalow's design would maximise access and boundary distances to reduce any negative effects on the neighbourhood. While the windows, doors, and boundary treatments have been placed carefully. Additionally, the planned landscaping will lessen the impact of the bungalow. To the north-west of the location are bungalows with comparable heights.

RELEVANT PLANNING HISTORY

4. There is no relevant planning history.

MATERIAL PLANNING CONSIDERATIONS

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

Principal 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 proposals should contribute positively to making places better for people.
8. The NPPF also advises that planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
9. 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.
10. 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 the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill

development, site frontages shall ordinarily be a minimum of 9.25 metres for detached houses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.

11. Policy CP1 of the Core Strategy and Policy DM1 of the Council's 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.
12. The applicant has submitted a full planning application and the proposal involves the erection of 1 No. three bedroomed bungalow on the land to the rear of No.22 and No.24 Daws Heath Road. The proposed development will require the subdivision of the plot and the proposed development would be constructed at the rear of these houses. The application site is located wholly within the settlement boundary of Rayleigh. Therefore, given that the application relates to a site within the settlement zone, the broad principle of intensification in development is acceptable.
13. In terms of housing need, the Council has an up to date five
14. year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.

Design

15. 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.
16. 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: "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 the Council's Supplementary Planning Document 2 (SPD2).

17. 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.
18. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
19. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
20. The surrounding area is characterised by a variety of housing typologies which includes 2-storey detached and semi-detached houses some of which incorporate projecting gables, flat roof and/or pitched roofed dormer windows. The houses fronting Daws Heath Road in the immediate vicinity are two-storey semi-detached houses of Edwardian architecture comprising a mix of cladding, white render and facing brick. The houses have car parking space at the front and private amenity space at the rear with a coherent building line. Furthermore, the roofscape is heterogenous with a mix of hips and gables. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs.
21. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
22. According to the submitted plans and supporting Design and Access Statement the site frontage of the proposed development measures approximately 17.9m in width. Furthermore, according to the submitted plans the proposed development would be located 7.83m off the boundary shared with No.24 Daws Heath Road and 10.07m off No.22 Daws Heath Road (to the south-east). It would be 2.76m from the shared boundary at the north-east, 1.7m away from the shared

boundary at the south-west and more than 7m to the rear (north-west). Overall, the case officer is of the opinion that the simple build of the proposed house with private amenity space located to the rear and car parking to the frontage is in keeping with the local vernacular.

23. As previously stated, the proposed dwellinghouse would be located at the site at the rear of No.22 and No.24 Daws Heath Road. The case officer notes that the proposed dwellinghouse would fit well into its plot. According to the submitted plans, a tarmac driveway is proposed at the front of the dwellinghouse, with parking for two vehicles. The dwellinghouse would be accessed directly off Daws Heath Road. The houses in the immediate vicinity are two-storey detached dwellings with a coherent front building line. The proposed development is a form of back land development that would incorporate a detached bungalow among a vicinity predominantly characterised by two-storey semi-detached houses. In the opinion of the case officer, the proposal would be disharmonious and discordant with the area's character as it would fail to reinforce the intrinsic qualities of the locality. The proposed development would appear at odds with the prevailing character and appearance of the immediate locality and would appear stridently stark and incongruous contrary to the para 135 of the NPPF, in particular criteria b) and c) and advice advocated within policy DM1 and Policy H1 of the Core Strategy.
24. Notwithstanding that it is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwelling would be sited within a decently sized plot and as such it will not appear cramped. However, this does not mitigate nor outweigh the harm that the inappropriate siting of the proposal will cause contrary to the aforementioned policy/guidance.
25. According to plan reference 1352/2, the submitted plans show the shape of the proposed dwellinghouse and measures approximately 9.78m deep by 13.43m long. The front and north-east side elevations are staggered. with an area of roughly 101.3m². The proposed dwellinghouse would measure 2.46m high to the eaves and to the highest part of the roof would be 5.83m. The proposal will incorporate a pitched roof.
26. With a brick plinth in front and a white rendered finish above, the proposed dwellinghouse would have white rendered sides and rear. The front porch would be finished with oak and with a modern grey marley roof tile. The windows would all have mid-bars and be double-glazed white UPVC with white aluminium bi-fold doors at the back. Every material has been selected to blend in perfectly with the surrounding environment and street scene. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark and obtuse.

27. Internally the property will comprise an open plan kitchen, lounge and dining area, three bedrooms, a main bathroom and en-suite bathroom.
28. Whilst it is seemingly not being innovative in any particular way the design of the proposal would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. Overall, it is considered that the proposed development in relation solely to design complies with guidance advocated within the NPPF and policy DM1.

Layout

29. Both the Rochford Development Management Plan and the NPPF promulgate that developments should function well and add to the overall quality of the area. The documents also advise that developments should be visually attractive due to good architecture and layout. Furthermore, the Councils SPD 2 Housing Design infers that a development which is out of scale and unduly obtrusive will be refused.
30. As previously stated, the application site is currently vacant with vegetation at the rear. The proposal would result in the erection of a detached bungalow.
31. The proposal is considered to cause significant harm to local distinctiveness of the area by introducing a backland residential development and the benefits arising from the proposal do not outweigh the harm. The proposal would fail to either reinforce or enhance the identity of the neighbourhood nor result in a visually positive impact. Overall, it is considered that the arrangements of buildings and space within the site would appear as incompatible and incongruous by harming the linear form of the existing houses and would not respect the pattern, character or form of the surrounding area contrary to policy H1. As such the proposal would form an unacceptable form of backland development.
32. To conclude, a detached bungalow in the backland location would create an incongruous feature in an area characterized by frontage development. It is considered that the development of the site in the manner proposed would not be harmonious or make a positive contribution to the character of the area and would appear as alien form of development in this locality therefore failing to comply with policies DM1, DM3, SPD 2, and advice advocated within the NPPF.

Impact on Residential Amenity

33. Paragraph 135 (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.
34. Amenity is defined as a set of conditions that one ought to 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.
35. It is considered that the development of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
36. Paragraph 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.
37. The application site is flanked by four neighbouring properties. The application site is adjoined by Nos. 22 and 24 Daws Heath Road at the front. No.20 Daws Heath Road to the north-east and No.26 Daws Heath Road at the south-west.
38. The impact that the proposal will have on the neighbouring property No.26 Daws Heath Road is considered to be negligible. There is a gap of approximately 1.7m separating the application site from the shared boundary with No.26. The proposed dwellinghouse would be placed to face the far rear garden of No.26 and would be approximately 21m away from the rear wall at No.26. In the opinion of the case officer given the separation distances (as may be compared with the required 25m distance back to back for housing where upper floor overlooking is greater) boundary treatment /landscaping would all help to mitigate any negative externalities caused by the proposed development. Furthermore, given the nature and scale of the proposed development it is considered that the proposal would not result in any over

domination, overbearing or loss of privacy issues and as such the proposal broadly complies with policy DM1.

39. Due to the articulated design of the proposed dwelling, it is considered that the proposal will have a negligible impact on the residential amenities of the occupiers of No. 20 Daws Heath Road, which is situated to the north-east of the application site. According to the submitted plans there is a distance of approximately 2.76m separating the flank elevation of the proposed dwellinghouse from the shared boundary with No.20. The north-east elevation would face the far rear garden of No.20 and would be approximately 22m away from the rear wall at No.20. It is considered that the boundary treatment will help to mitigate any negative externalities associated with the proposed development.
40. Regarding No.22 and 24 Daws Heath Road, the proposed dwellinghouse would face the rear of these properties. Any significant adverse impact on the amenity of the occupiers of Nos.22 and 24 would be mitigated by the existing boundary treatments. In addition, the proposed house would be approximately 7.83m and 10m away from the rear boundaries of No. 24 and No.22 respectively thus mitigating any significant adverse impacts on neighbours' amenity.
41. It is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

Right to Light

42. The concerns raised regarding what is stated as the 'right to light' are noted. The relevance of residential development in how such could potentially affect the amount and quality of light (daylight and sunlight) at another property is a material planning consideration which has been taken into account in this instance.
43. A court of appeal case (Pauline Forster v SSCLG, Tower Hamlets London Borough Council and Swan Housing Association [2016] EWCA Civ 609) reinforces that loss of light is an important consideration for planning decision-makers. In addition, the case adds an interesting perspective to the status of rights to light from a legal perspective. In basic land law terms, a right to light is a type of easement – that is, a right enjoyed over land belonging to someone else (the servient land) that benefits other land (the dominant land). The right is one to enjoy a sufficient amount of natural light passing over the servient land, that then enters through defined apertures in a building, to allow the room / space within to be used for ordinary purposes (Colls v Home & Colonial Stores Ltd [1904] AC 179).

44. Apertures can include windows (with or without glass), glass roofs and skylights. The result of this is that rooms used for different purposes will be entitled to receive different levels of light, with no one measure of 'sufficient light' applying in all cases. For instance, a greenhouse could be seen as 'entitled' to more light than a storage area (Allen v Greenwood [1980] Ch119). For any legal action to be successful though, it is usually necessary to show the loss of light amounts to a nuisance, rather than that there has just been a net reduction in available light (Higgins v Betts [1905] 2 Ch 210).
45. It has long been accepted that there are limitations on any right to light. For example, the right is for sufficient natural illumination and there is no legal right to direct sunlight / sun's rays. Similarly, rights of light are not an entitlement to receive the same amount of light to that pre-obstruction on an ongoing basis. Even if light levels are reduced, there may still be sufficient remaining for the room or building in question to be used in an ordinary and normal way. However, the recent decision suggests that (at least from a planning perspective) interference with light arising from a new development is a material consideration for decision-makers – regardless of whether daylight or sunlight is involved.
46. The perception of being enclosed and overshadowed giving rise to loss of light does not amount to the same thing as demonstrable evidence that this will actually be the case. On the basis of that discussed in detail within this report, it is not considered that this development will result in changed circumstances to any property in this regard such that it could be concluded that their amenity would be significantly affected by the loss of light.

Noise and Air Pollution

47. The concerns raised with regards to the perception of air pollution and noise pollution are noted. The proposed development involves a gain of 1 dwelling within an existing residential area through which a main road conveys traffic in either direction along Daws Heath Road. The site is not within an Air Quality Management Area (AQMA) such as applies in areas of central Rayleigh identified as being subject to pollutants including those arising from emissions from motor vehicles. This development of 1 additional dwelling will not contribute in any measured parameter in terms of pollution as there is no evidence to support a case otherwise. The same applies to noise impacts as the development when established given its scale and location, will not contribute to any perceptible noise impacts. It is acknowledged that the construction period (the length of time of which cannot be controlled) has the potential to cause noise disturbance which is addressed by planning condition.

Living Conditions of Future Occupiers

Garden Sizes

48. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
49. 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. As previously stated, the proposal is for a new three bedroomed single-storey dwelling. The existing garden for both the proposed new dwelling and the existing dwelling would be subdivided. According to the submitted plans, the proposed new dwellinghouse would have a private rear space measuring approximately 180m², which is in way in excess of the 100m² required with the guidance advocated within the SPD.

Sustainability

50. 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.
51. 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.
52. 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.
53. A single-storey dwelling which would comprise three bedrooms would require a minimum Gross Internal Floor Area (GIA) of 74m². Additionally, the dwelling must have a minimum of 2.5m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.

According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 101.3m², and as such in terms of overall GIA the proposal complies specified technical standards.

54. The table below shows the Gross Internal Floor area for the proposed bedroom.

Bedroom No.1	14.8m ²
Bedroom No.2	11.7m ²
Bedroom No.3	11.7m ²

55. According to the submitted plans the bedroom complies with aforementioned policies and exceed the Internal floor area requirements. Furthermore, the storage areas would have a total area of 2.33m² which is just below the required minimum; however, the proposal substantially exceeds the recommended minimal GIA for a three bedroomed dwellinghouse and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.
56. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement to satisfy Policy ENV9 if the application were recommended favourably.
57. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Drainage

58. Development on sites such as this can generally reduce the permeability of at least part of the site and change 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

59. 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.

Refuse and Waste Storage

60. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any refuse collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance would be above 20m owing to the distance of the proposed dwelling from the road. However, a refuse collection point is shown at the site entrance for residents to provide their bins for collection.

Impact on Highway Safety

61. 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.
62. 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.
63. 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.

64. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted numerous neighbouring properties have hard-surfaced their frontages in order to provide vehicular parking. A recent update to the NPPF (2023) and the introduction of associated design guidance, have emphasized the use of soft landscaping ensuring that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition relating to a soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
65. Given the nature of the proposal, the case officer considered it prudent to consult colleagues in Essex County Council Highways Authority. The Highways Engineer has reviewed the proposal and states '*This application includes subdivision of the site and provision of one new dwelling. The proposal will utilise and share the existing vehicle access. A reduced parking standard has been applied for the host dwellings. Rochford District Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development." The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Rayleigh's facilities.*'
66. The Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to a construction management plan, each dwelling to be provided with off street parking and shared turning areas, cycle parking, residents travel information pack and standard informatives, which will all be secured by the imposition of appropriately worded planning conditions, in the event that planning permission is approved.
67. It is considered that there is sufficient car parking arrangements and appropriate access to serve the proposed dwelling. In conclusion, the proposal is acceptable and would not have an adverse impact upon highway safety or congestion in the locality. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Trees

68. Policy DM25 of the of the Development Management Plan (2014) states that:

'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would

adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.

Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'

69. There are numerous trees located towards the rear of the site. The case officer considered it prudent to consult the Council's Arboricultural Officer. The Council's arboricultural officer raised no objection to the proposal. As the trees are further away from the proposed development, it is considered that they should not be affected by the proposal and as such is considered to comply with policy DM25 of the Development Management Plan.

On-site Ecology

70. 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.
71. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
72. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed

under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

73. No ecological appraisal has been submitted with the application. However, the case officer observed that the site consists primarily of hardstanding, sheds and vegetated gardens, it is therefore unlikely to support the establishment of protected species.

74. In any event, the case officer has consulted colleagues in Essex County Council Place Services Ecology regarding the proposed development. The Council's ecologist has responded stating that *'We have reviewed the submitted documents and note that no ecological assessment has been undertaken for this site. Therefore, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species & habitats. This included a review of Magic Maps (<https://magic.defra.gov.uk>), Local Wildlife Site information and aerial photographs.*

Furthermore, we have reviewed the Small Sites Metric – Calculation Tool (May 2024) and the Biodiversity Net Gain Map (Pre-development baseline), relating to mandatory biodiversity net gains.

We are satisfied that the proposals clearly contain developed land sealed surface (sheds and other hardstanding), built linear features and vegetated garden with limited ecological value for protected and Priority species & habitats'.

75. In light of the above specialist consultation response, it is considered that the proposal will not have detrimental impact on protected species and there is insufficient justification to recommend a refusal and substantiate it at any future Appeal.

Off Site Ecology

76. 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.

77. 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 an 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

78. 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.

79. 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 in the form of the RAMs payment has not paid to the LPA and as such will form an additional reason for refusal.

Bio-diversity Net Gain

80. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.

81. Once again colleagues in Essex County Council Place Services Ecology have been consulted regarding the proposal and they stated that: -

'The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011- 20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.'

As a result, we have reviewed the Small Sites Metric – Calculation Tool (May 2024) and the Biodiversity Net Gain Map (Pre-development baseline) and note that the majority of the site has been recorded as 'vacant or derelict land'. We are not satisfied that this is correct habitat type for the site, as the UK Habitats Classification V2 definition is the following for the habitat: "Areas that have been disturbed by previous development or land use on constructed sites but are now abandoned. They will contain an open mosaic of habitats in the early stages of natural succession which may or may not fulfil the requirements of 'Open mosaic habitats on previously developed land.'"

As a result, we suggest that this habitat type is updated as 'vegetated garden' or 'modified grassland', as the site is clearly an amenity grassland lawn. The two sheds should also be referred to as 'developed land; sealed surface' if this has not been undertaken, as it is not clear from the biodiversity net gain map.

Once sufficient information has been provided, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool.

It is highlighted that the LPA will not accept enhancements within vegetated or unvegetated gardens. Therefore, it is considered likely that a measurable biodiversity net gain will not be able to be achieved on-site and off-site measures or statutory credits will need to be pursued by the applicant as part of the biodiversity gain condition.

In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements, as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved’.

82. Given the factors raised by the Councils ecological officer in relation to BNG, this will form an additional reason for refusal.

Other Matters

83. The views expressed that the development constitutes over development are noted. The development accommodates one dwelling which complies with the Technical Standards requirement on gross floor space and minimum bedroom sizes and storage space. The required garden space as required by the council's Local Development Framework Supplementary Planning Document 2 House Design is achieved with adequate separation from other property such as not to cause any demonstrable detrimental amenity impacts. Furthermore, the proposal is located a minimum 1m off the common boundaries. Car parking space would be provided in compliance with the adopted 'Parking Standards' and as detailed by the Highway Authority. If these were not shown to be provided or could not be provided, this would be indicative of over development which despite the perception of overdevelopment is not the case in this instance.
84. Numerous residents have claimed that the proposal if allowed will create a precedent for similar types of development within the locality. However, in relation to planning every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous. A search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their own individual merits. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, Mann LJ in North Wiltshire District Council v Secretary of State for the

Environment (1993) 65 P & CR 137: “One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency” and R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057.

85. Other concerns raised are that if the application is approved that during the construction phase there will be significant disruption due to builder’s vans, equipment, noise and mess. Again, the case officer notes the concerns of the objector and appreciates that it is not uncommon for such problems to occur during the construction phase although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, for example blocking peoples drives, this is a matter which can be dealt with by the Police who have the appropriate legislation and powers to free the access. The planning system is not to duplicate other legislation. Additionally, damage to the road and underlying drainage which may or may not occur whilst vehicles are dropping off building materials is a private matter and is not a sufficient justification to warrant a refusal and substantiate it at any future Appeal. Furthermore, it is not considered that one additional property will have a significant detrimental impact on utility services in the locality.
86. The development will result in an intensified use of the access. It is considered that with the additional movements of only one household that the proposal will not result in demonstrable harm to the safe and free flow of traffic along Daws Heath Road or any adjoining road junction. Essex County Highway Authority as the competent authority confirm that it has no objection to the proposal.

CONCLUSION

87. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: Based on the information provided to this planning committee, the Town Council objects to this application due to inappropriate and overdevelopment of site and health and safety concerns for vehicles access on to a busy, well used highway.

Rochford District Council Arboricultural Officer: No objection.

Essex County Council Highways Authority: No objections subject to conditions relating construction management plan, each dwelling to be provided with off street parking and shared turning areas, cycle parking, residents travel information pack and standard informatives.

Essex County Council Place Services Ecology:

We have reviewed the submitted documents and note that no ecological assessment has been undertaken for this site. Therefore, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species & habitats. This included a review of Magic Maps (<https://magic.defra.gov.uk>), Local Wildlife Site information and aerial photographs.

Furthermore, we have reviewed the Small Sites Metric – Calculation Tool (May 2024) and the Biodiversity Net Gain Map (Pre-development baseline), relating to mandatory biodiversity net gains.

We are satisfied that the proposals clearly contain developed land sealed surface (sheds and other hardstanding), built linear features and vegetated garden with limited ecological value for protected and Priority species & habitats.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011- 20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the Small Sites Metric – Calculation Tool (May 2024) and the Biodiversity Net Gain Map (Pre-development baseline) and note that the majority of the site has been recorded as ‘vacant or derelict land’. We are not satisfied that this is correct habitat type for the site, as the UK Habitats Classification V2 definition is the following for the habitat: “Areas that have been disturbed by previous development or land use on constructed sites but are now abandoned. They will contain an open mosaic of habitats in the early stages of natural succession which may or may not fulfil the requirements of ‘Open mosaic habitats on previously developed land.’”

As a result, we suggest that this habitat type is updated as ‘vegetated garden’ or ‘modified grassland’, as the site is clearly an amenity grassland lawn. The two sheds should also be referred to as ‘developed land; sealed surface’ if this has not been undertaken, as it is not clear from the biodiversity net gain map.

Once sufficient information has been provided, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool.

It is highlighted that the LPA will not accept enhancements within vegetated or unvegetated gardens. Therefore, it is considered likely that a measurable biodiversity net gain will not be able to be achieved on-site and off-site

measures or statutory credits will need to be pursued by the applicant as part of the biodiversity gain condition.

In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements, as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved

Neighbour representations:

Six letters of representation have been received from the following addresses:

Daws Heath Road: 18, 19, 22, 25, 26.

1 address unknown.

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

- The site is on an extremely busy and congested road;
- How can lorries safely deliver materials;
- The existing gardens are used by the tenants;
- The plans and supporting information is misleading;
- The proposal will constitute overdevelopment;
- The local infrastructure cannot cope;
- The builders are likely to block our drives;
- The area is already too crowded;
- The proposal if allowed will create a precedent;
- The noise pollution caused will be unprecedented;
- We will not be able to safely access our property;
- The proposal will lead to mud and other detritus on the road;
- The development will impact on residential amenity;
- The proposal will have a detrimental impact on local wildlife
- The properties have only been purchased within the last 12 months and tenanted with a minimum of 5 cars between them;
- The site has been derelict for a number of years;
- The proposal is overdevelopment and does not fit into the local area;

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – Policies H1, CP1, ENV1, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).

Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed development by virtue of its position to the rear gardens of Nos. 22 and 24 Daws Heath Road would cause significant harm to the character of the area and local distinctiveness. The proposal would not achieve a high standard of design and would detract from the established character of the development pattern resulting in an intensification of the site failing to relate well to the existing street pattern contrary to Policy H1 of the Council's Core Strategy and would have a poor relationship with nearby development contrary to the requirements of , policies DM1 (x) and DM3 (i) to the Council's Development Management Plan and SPD2 Housing Design and fail to fit with the overall surroundings of the site contrary to paragraph 139 b) of the National Planning Policy Framework (December 2023).
2. Upon review of the Biodiversity Net Gain (BNG) Statement produced by CET Architectural Design submitted in support of the application, it is the opinion of the Local Planning Authority that it has not been demonstrated, through the submission of robust or cogent information that the submitted BNG statement, biodiversity plan and metric sufficiently justifies the approval of the development pertaining to its impact to the ecology on-site. As such, the proposal is contrary to guidance advocated within Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
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 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 180 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.

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike Sutton and Cllr. A. G. Cross.

Application No :	24/00520/FUL Zoning : Rayleigh Town Centre
Case Officer	Ms Elise Davis
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	1 Daws Heath Road Rayleigh Essex
Proposal :	Proposed change of use from motor vehicle serving workshop (Use Class B2) to use as a commercial space for the production of art for sale with studio/teaching/meeting room (Use Class E). Amend fenestration and clad front elevation.

SITE AND PROPOSAL

1. The site is located to the east side of Daws Heath Road at a point approximately 20 metres south from its junction with Eastwood Road. The site is currently occupied by a car repair and maintenance workshop set back within a restricted plot served by a forecourt frontage. The total area of the site is approximately 136 square metres comprising a narrow plot approximately 11.5 metres in width by some 12 metres in depth. The site is open to its frontage with Daws Heath Road and flanked by built form on all other aspects. To the south is a three-storey flatted block with a frontage to Daws Heath Road and access off this road to a parking area to the rear. To the north is a two-storey terrace building with commercial units to the ground floors which fronts Eastwood Road.
2. The existing building on the site is single storey and constructed of brick incorporating a flat roof. The front elevation contains a large roller shutter door and other fenestration. With the exception of one small window to the north aspect there is no other fenestration. The building has a floor area of approximately 72 square metres. The existing building is set back from the existing public footpath allowing for car parking to the front of the site.
3. The proposal seek permission for a change of use from the motor vehicle serving workshop (Use Class B2) to use as a commercial space for the production of art for sale with studio/teaching/meeting room (Use Class E). The proposal also seeks alteration of fenestration and external facing materials to the building.

RELEVANT PLANNING HISTORY

4. Application No. 24/00294/LDC – Application for a Lawful Development Certificate for a proposed change of use of the existing building to use as a commercial clean space for Art Studio and Meeting Room within

Use Class F (Local Community and Learning) including works to the existing building. – Refused.

5. Application No. 20/00080/FUL – Demolition of existing single storey motor repair Garage and erection of 2 storey building to provide 2 No. two-bedroom flats – Approved.
6. Application No. 18/00499/FUL – Demolition of existing single storey motor repair Garage and erection of 3 storey building to provide 3 residential units (Flats) – Refused – Appeal Dismissed.

MATERIAL PLANNING CONSIDERATIONS

Principal of the development

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), the Development Management Plan (2014) and the Rayleigh Centre Area Action Plan (2015).
9. The application site is located on the edge of – but within – the Rayleigh Town Centre Boundary and the Rayleigh Town Centre Area Action Plan. Despite the application site's location within the town centre, the existing building is not within a primary shopping frontage and is not in retail use.
10. Policies RTC1 and RTC2 of the Council's Core Strategy promote the protection and enhancement of retail uses in Town Centres. As the proposal would not impact an existing retail use within an area identified as significant for retail purposes (such as primary shopping frontages), the proposed change of use from general industrial to commercial, business and service, is not considered to undermine Policies RTC1 and RTC2.
11. Furthermore, Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh town centre's role as the District's principal town centre is retained through the implementation of the Area Action Plan which strives to deliver the following:
 - Improved accessibility to and within the town centre
 - A safe and high quality environment for residents and visitors
 - A predominance of retail uses, including intensification of existing retail uses, which cater for a variety of needs

- A range of evening leisure uses
 - Promotes provision of community facilities, including exploration of potential locations for a healthcare centre and, if appropriate delivery of such facility
12. The proposed change of use to provide a commercial space for the production of art for sale with studio/teaching/meeting room is considered positively to contribute to Rayleigh Town Centre by providing such a space which would have benefits for education and leisure. It should also be noted, that there is not an identified need within the Area Action Plan for facilities of the existing use (Class B2) within Rayleigh Town Centre, and previous application history at the site (redevelopment to residential) has been accepted, and therefore there is no objection to the loss of general industrial use of the site.

Impact on Character

13. Policy CP1 of the Councils Core Strategy seeks to promote good, high-quality design that has regard to local flavour, supported by adopted Supplementary Planning Documents and the Essex Design Guide.
14. Guidance for non-residential developments in Town Centre locations such as this is supported by the Council's Supplementary Planning Document 4 – shop fronts, security and design (hereafter 'SPD4').
15. Paragraph 4.5 'Appearance of a Shop Front Elevation Suitable for a Traditional Location' of SPD4 clarifies that in considering the overall appearance of an elevation suitable for a traditional location, thought must be given to its relationship with neighbouring existing buildings. The new elevation should be compatible with its context in materials, scale and visual intricacy in order to take its place within a harmonious street scene.
16. The existing building is of brick external facing material, of box-like single storey form with little architectural interest or articulation. The proposal does not seek significant alteration or any enlargement of the building and would not change in form. Notwithstanding this, there are a number of changes proposed to the exterior of the building by way of infilling the larger roller shutter vehicle entryway, application of cedar cladding to the front elevation and installation of additional fenestration and an additional entryway to the building.
17. It is considered that the proposed openings to the front elevation of the building appear reasonably well balanced and provide visual interest which break up the expanse of walling. The proposed use of cedar cladding is also considered acceptable and would appear visually compatible with the modern form of the building, and which would respond to local context as the building is located within the edge of the Town Centre Boundary and is closely related to residential dwellinghouses, some of which feature cladding materials.

18. The building is not located within or close to the boundary of the Rayleigh Conservation Area, and the appearance of the building proposed is considered to harmonise with and integrate with the commercial units it is closely sited to and the residential dwellings it also adjoins.
19. It is considered the proposal would have a positive impact on the character and appearance of the existing building and the surrounding area and would be compliant with policies CP1 of the Council's Core Strategy and policy DM1 of the Development Management Plan.

Impact on Residential Amenity

20. Policy DM1 of the Development Management Plan seeks to ensure that new developments avoid overlooking, ensure privacy and promote visual amenity, and create a positive relationship with existing and nearby buildings. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.
21. The proposal does not seek extension of the existing building, and in this regard the proposal is considered to have no impact in terms of overshadowing and overbearing. No new windows are proposed to the rear wall or flanks of the building. The proposed fenestration changes to the front elevation would overlook the public realm, and the enlargement of the skylights to the roof of the building (being of the same location to the roof and of a height above which overlooking is likely to occur from) are not considered to give rise to overlooking.
22. Notwithstanding the negligible impacts of the proposal in relation to the physical form of the building, consideration is given to impacts from the proposed change of use.
23. The existing use is of an industrial nature, providing vehicle service and repairs. The application form does clarify that the building will contain machinery to produce art, however this would not include heavy noise generating machinery that will disturb local residents and no ventilation is required apart from standard room ventilation. It is noted that the building will be heated with an aircon unit.
24. Given that no heavy noise machinery is to be used for the commercial creation of art, and that the use is considered to change from one associated with a higher level of noise disturbance, to one of lower disturbance, it is considered that the use of the premises would have an acceptable impact on adjoining occupiers given it is located within a Town Centre where there is a reasonable expectation for a certain level of noise and smells to be generated from the nearby commercial, retail and other suis generis premises.

Waste and Refuse

25. Appendix 1 of the Council's Development Management Plan provides advice on the design of waste and recyclables storage and collection requirements. The site is of a non-domestic use. Section 7 of Appendix 1 confirms that non-domestic waste must be collected by a Licensed Waste Carrier and although these details have not been provided as part of the application, such arrangements for small scale developments are usually privately arranged. What is relevant to the application is to ensure the site can accommodate storage of waste which would not unduly impact amenity of occupying neighbours, despite the arrangements for the existing commercial use.
26. It is considered the front curtilage of the site would have adequate space to accommodate storage of commercial wastebins which would be within proximity to the highway so as to be adequately reached for collection. Given that no information has been supplied as to the location of storage for commercial waste, it is recommended a condition be imposed which requires agreement of details for waste collection and the siting of waste bins within the application site.

Highways and Parking

27. The Parking Standards Design and Good Practice guide (2010) generally requires off-street car parking spaces of dimensions 5.5m x 2.9m. The existing Industrial use would require a maximum of 2 car parking spaces. As an art gallery, the use would require a maximum of 3 car parking spaces and as a shop a maximum of 4 car parking spaces. These standards can however be reduced given the location of the site close to the town centre car parks and availability to alternative forms of transport.
28. The application form indicates that the proposed development would not impact vehicle/cycle parking spaces and will not add/remove any parking spaces. The front curtilage of the site is of enough depth and width that it could accommodate a vehicle parking space at the required dimensions *and* the provision of waste bins, although not included or demonstrated on the proposed site plan.
29. Although parking provision at the site is limited and such details not included in the proposal, the application site is located within the Town Centre of Rayleigh and is therefore considered to be within a sustainable location with good proximity to accessible public car parks, such as Websters Way car park approximately 280m to the north of the site, and Castle Road car park of approximately the same distance to the west of the site.
30. Paragraph 115 of section 9 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

31. On the basis the proposal would not significantly impact existing parking provision at the application site and is located within a sustainable location and is not considered to give rise to unacceptable impacts or concerns of Highway Safety, the proposal is considered acceptable in this regard.

Biodiversity Net Gain

32. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
33. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
34. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and have the condition discharged prior to commencement of the development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
35. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
36. In this case the developer has indicated that the statutory biodiversity gain condition would not apply.
37. Having conducted the site visit, officers agree that the statutory biodiversity gain condition would not apply as the proposed development relates to the existing building only, and the application site does not feature any trees or soft landscaping or areas for potential habitat as it consists entirely of hardstanding.

38. The proposed development, which in the main relates to the change of use of the existing building with only minor alterations to the building, is considered exempt as the proposal would result in no material loss of habitat.

CONCLUSION

39. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No representation received.

Neighbour representations : No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

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 4 (January 2007) – Shop Fronts - Security and Design.

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 external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application or shall match the existing building, unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan, in the interests of visual amenity.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Proposed Drawing No. Dm 240716 Planning Revision A; Existing Drawing No. Dm 240716 Planning Revision 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.

4. Prior to first beneficial occupation of the development hereby approved, details for the storage and collection of commercial waste and refuse, including the location of waste bins shown on a plan, shall be submitted to the Local Planning Authority to be agreed in writing.

REASON: To ensure adequate provision of commercial waste and refuse is suitably accommodated for and located within the site, in the interests of neighbour amenity.

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike. Sutton and Cllr. A. G. Cross.

Application No :	24/00456/ADV Zoning: Rayleigh Town Centre and Rayleigh Conservation Area
Case Officer	Mr John Harrison
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Advertising Right 2510 0011 Bus Shelter Outside Car Park Websters Way
Proposal :	Single digital advertising display facing the inside of the Bus Shelter with a non-advertising, non-illuminated panel on the reverse side (for Council or Community content) to replace existing Double-sided Internally Illuminated 6-sheet Bus Shelter advertising displays. Single digital display to portray static advertising images that change every 10 seconds.

SITE AND PROPOSAL

1. The application relates to the bus shelter on the eastern side of Websters Way adjacent to the car park. Websters Way runs roughly parallel to the High Street. The car park has a wall in front of it with trees behind and there is a section of wall which is set back in which the bus shelter is situated. The bus stop itself is a long layby, effectively a widening of the road. The present shelter has a two-sided advertisement at its southern end of it with both sides statically illuminated. On the opposite side of the road are the backs of commercial properties in the High Road. The site is located within the Rayleigh Conservation Area.
2. The proposal involves the erection of a new bus shelter, but it should be noted that this part of the scheme is permitted development. At the southern end would be an advertisement panel, 1.635 metres x 0.924 metres. The side facing into the shelter would be illuminated with the advertisement changing every ten seconds. The other side is not illuminated and it is envisaged it would be used for local authority and community advertising.

RELEVANT PLANNING HISTORY

3. It has not been possible to trace a consent for the existing advertisement in the Council's records. As the advertisements on bus shelters were erected under a scheme supervised by Essex County Council, it seems likely that consent would have been obtained, but if it is not, if the advertisement has been in position for more than ten years, it could be displayed with deemed consent. That means it could be displayed indefinitely unless the Council served a Discontinuance Notice requiring its removal.

MATERIAL PLANNING CONSIDERATIONS

4. This is an advertisement application and consent for an advertisement can only be refused on the basis of amenity or public safety.

Amenity

5. As this site is within a Conservation Area, in dealing with this application, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy DM30 of the Council's Development Management plan states that advertisements in Conservation Areas should be sensitive to the character of the area, visually unobtrusive, well designed, well located and should not create access issues. Non-static advertising is by its nature obtrusive and would fail to preserve or enhance the Conservation Area. This is supported by the objection from Essex County Council Place Services specialist advice for Listed Buildings and Conservation Areas.

Public safety

6. The only possible harm to public safety from this advertisement would be distraction of drivers. As displays would only change every 10 seconds, it is not considered this would be distracting, a view borne out by the County Highways adviser raising no objection to the application on highway safety grounds.

CONCLUSION

7. The application should be refused on the basis of its harmful impact on the Conservation Area.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Essex County Council Highways: The impact of the proposal is acceptable.

Essex County Council Place Services Specialist Advice on Listed Buildings and Conservation Areas:

The bus shelter is located adjacent to Websters Way car park, on the south east side of Websters Way, which was constructed in the 1950s to relieve traffic along the High Street. The bus shelter is situated in Rayleigh Conservation Area, within an area which predominantly consists of car parks and service areas, however, still retains elements of the old backlands layout.

It is considered that the proposals to replace the existing internally illuminated advertising displays with a single digital advertising display would not be

appropriate within the conservation area. The proposed development would be an incongruous, modern addition which would not be sympathetic to the traditional character and appearance of the conservation area and would detract from its special interest, therefore resulting in harm.

In conclusion, it is considered that the proposals would fail to preserve or enhance the character and appearance of Rayleigh Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the harm is less than substantial, therefore Paragraph 208 is relevant.

Relevant Development Plan Policies:

Development Management Plan (December 2014): Policies DM37, DM38.

RECOMMENDATION: REFUSE

For the following reason;

1. The proposed advertisement would be an incongruous, modern addition to the Conservation Area which would not be sympathetic to its traditional character and appearance and would detract from its special interest, therefore resulting in harm, contrary to the provisions of policy DM38 of the Rochford District Council Local Development Framework Development Management Plan (December 2014).

The local Ward Members for the above application are Cllr. R.C. Linden, Cllr Mike Sutton and Cllr. A. G. Cross.

Application No :	24/00295/FUL Zoning : MGB
Case Officer	Mrs Elizabeth Milne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	South Fambridge Hall Fambridge Road South Fambridge
Proposal :	Formation of 2 no. additional vehicular accesses and sections of additional access track to serve the solar farm development approved under planning consent 21/00605/FUL

SITE AND PROPOSAL

1. This application seeks planning permission for the formation of two additional vehicular accesses onto the public highway and for additional access track to be used in connection with the solar farm development approved under planning consent reference 21/00605/FUL.
2. One of the accesses would be positioned on the western side of Fambridge Road opposite All Saints Church. The proposed additional section of access track associated with this new access would run approximately 27 metres west and then some 68 metres south and would be approximately 4.8 metres in width. This access and additional track are required to facilitate the construction of the battery storage compound associated with the approved solar farm development which is to be located on the western side of Fambridge Road and provide an alternative means of access to this compound when the battery storage compound is operational.
3. The other proposed access would be positioned on the eastern side of Fambridge Road close to the junction with the private road leading to South Fambridge Hall. The access track associated with this new access would run for approximately 140 metres northwards and have branches off to the east, and to another vehicular access proposed onto the private road to the west. This access and additional track are required to facilitate the creation of an alternative construction access for the solar farm development which avoids the previously agreed construction access which went around a complex of farm buildings north of South Fambridge Hall.
4. The formation of the accesses would require the removal of sections of hedgerow and the access tracks would involve the laying of a hard surface material.

RELEVANT PLANNING HISTORY

5. 21/00605/FUL. Construct Solar Farm with Ancillary Development to Include Battery Storage. Approved.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt

8. The proposal relates to land that is designated as Green Belt and the laying of surface material to form the new sections of access track would have an impact on the character of the land and thus an impact on the Green Belt. Given the nature of the proposal the impact on the openness of the Green Belt would however be limited.
9. The applicant has clarified that the access proposed to the east of Fambridge Road close to the junction with the private road leading to South Fambridge Hall would only be required on a temporary basis for the duration of the construction of the solar farm development. Once construction is complete the hard surfacing associated with the formation of this access could be removed and the section of hedgerow re-instated. In this part of the site, only the additional access onto the private road to the north would be retained to provide an alternative access for maintenance vehicles for the lifetime of the solar farm development. The temporary nature of the proposed vehicular access in this location would reduce the impact of the development on the Green Belt.
10. The applicant has also confirmed their intention that the proposed access to the west of Fambridge Road would serve as an alternative maintenance vehicle access to the battery storage compound part of the solar farm development, rather than being a long term additional vehicular access to this part of approved solar farm scheme. However, the consented access to this part of the site would still be used for construction vehicles.
11. National planning policy advises that engineering operations such as are proposed are not inappropriate development in the Green Belt providing they preserve openness and do not conflict with the purposes

of including land within it. Both proposed accesses and tracks would impact on openness but in a limited way and given that they would both be on land which forms part of the application sites where solar farm development has been approved, the development would not be considered to conflict with the purposes of the Green Belt. The temporary nature of one of the proposed accesses would also limit harm to the Green Belt.

12. In the determination of the solar farm application the Council weighed the benefits of the scheme including those relating to the promotion of renewable energy with the impacts on the Green Belt and concluded that very special circumstances existed for allowing the development. This proposal is for additional development which it is considered would have a very limited additional impact on the Green Belt and in the context of the approved solar farm scheme would be acceptable.

Highways

13. The local Highway Authority have been consulted on the application and raise no objections subject to recommended conditions.
14. One of the recommended conditions is a standard visibility splay condition requiring 120-metre-long visibility splays to be kept free of obstruction from ground level in both directions in relation to both accesses proposed. The applicant has provided a plan which demonstrates that the required visibility splays can be achieved without the need to remove additional sections of hedge in relation to the access proposed to the west of Fambridge Road.
15. The applicant has confirmed that the proposed northern access (close to the junction of the private road with Fambridge Road) would only be used by vehicles exiting in a southward's direction onto Fambridge Road. The suggested visibility splay, which would involve the removal of additional hedgerow, would not therefore be required in a southerly direction in relation to this access, as this would only be required for turning right. The recommended highway condition has been amended accordingly.
16. The applicant has also provided supporting information setting out how drainage would be provided to prevent surface water discharge onto the highway, namely by the installation of a filter drain with perforated pipe design, the details of which have been reviewed by the Highway Authority and found to be acceptable. The recommended condition relating to the need to submit and agree drainage details has therefore also been amended accordingly.

Impact on Residential Amenity

17. The nearest residential dwellings to the proposal are South Fambridge Hall and Hall Cottages which front Fambridge Road close to the junction with the private road leading to South Fambridge Hall.
18. The proposal would introduce a new access in close proximity to Hall Cottages. However, the consented solar farm development allowed for use of the private road adjacent to these dwellings to serve as the construction access for the three large solar array parcels. The new access would result in no greater impact on the amenity of the occupants of these nearby dwellings.
19. Some benefit may arise as a result of the proposed more direct access for construction and for maintenance vehicles post-construction of the solar farm which would avoid use of the existing private track which loops around the farm complex buildings, including reduced impact on the occupants of South Fambridge Hall as a result of the vehicle movements being kept south of, rather than to both sides of this dwelling.

Impact on Hedgerow

20. The proposal would require the removal of sections of hedgerow. Compensatory hedgerow planting is however proposed along sections of the application site boundary adjacent to the private access road leaving to South Fambridge Hall. A planning condition is recommended to secure this planting. This would be in addition to the re-instatement of the section of hedgerow when the northernmost access is removed following completion of construction of the solar farm. The proposal is therefore considered acceptable with regard to Policy DM26 which seeks to limit impacts of development on important landscape features including hedgerows.

Ecology - On Site Considerations

21. An update letter to the Preliminary Ecological Appraisal (PEA) (ADAS Ltd, August 2019) submitted with the solar farm application was submitted to support this application. The consultation response received from the ecology team at Essex County Council raises no objection to the proposal subject to recommended conditions to secure ecological mitigation measures.
22. The PEA update letter identifies that the location of the proposed access roads would be predominantly within arable land and small sections of associated arable field margins with a total site area of approximately 1 hectare. The proposed access routes would cross existing mature hedgerows at four locations (hedgerows H1, H12 and H15 in the ADAS PEA report). The following habitats are sited as being present within the application red line boundary:

- Cereal crops – 0.88 hectares
 - Arable field margins, tussocky – 0.072 hectares
 - Artificial sealed surface – 0.12 hectares
 - Native hedgerows (H1, H12 and H15) – 0.33 km.
23. The letter advises that a Qualified Ecology Clerk of Works would be present on site throughout the whole construction and vegetation clearance period and ensure that the removal of the hedgerows does not result in any harm to protected species.

Biodiversity Net Gain

24. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990.
25. Subject to some exceptions, every grant of planning permission is now deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
26. Following the grant of planning permission, the developer would be required to apply to the local authority to discharge the biodiversity gain condition prior to the commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum 10 percent net gain requirement would be achieved.
27. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply. In this case the developer has indicated that the statutory biodiversity gain condition would apply, and officers agree.
28. The legislation requires that some BNG information relating to pre-development habitat at the site is submitted with a planning application. The applicant has submitted the required information. The ecology team at Essex County Council have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised in this report.
29. Officers are satisfied that the required pre-decision BNG information has been submitted and as the proposal is for development to which the statutory biodiversity gain condition would apply, recommend that an informative to advise the developer of the need for them to

discharge the statutory gain condition prior to the commencement of development.

30. A planning condition is recommended to require the implementation of any on-site habitat creation and/or enhancement agreed as part of the Biodiversity Gain Plan and to require the re-planting of a native hedgerow following the removal of the vehicular access onto Fambridge Road close to the junction with the private road leading to South Fambridge Hall, once construction is complete.

Other matters

31. Additional plans have been provided in the course of the application to show that one of the accesses proposed is not required post-construction of the solar farm, to provide details of the filter drain to be installed where the accesses join the highway and to show the vehicular visibility splays.
32. It is for the Local Planning Authority to decide whether further publicity and consultation is required in the interests of fairness, giving consideration to whether without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended. Whilst the Highway Authority were re-consulted on the drainage details, it has not been considered necessary to undertake further wider publicity on the additional plans given their content.

CONCLUSION

33. The proposed development would have a very limited impact on the openness and character of the Green Belt, the harm associated with which would be outweighed by the benefits of the proposal in terms of providing improved access for construction traffic and maintenance vehicles associated with an approved solar farm. Recommended planning conditions will ensure that direct impact on protected species would not result, and the development would be required to deliver 10 percent net gain in relation to biodiversity. The Highway Authority raise no objection to the proposal in relation to highway safety. The proposal has been assessed in relation to relevant national and local planning policy and is considered acceptable.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: None received.

Neighbours: None received.

ECC Highways Authority: no objection subject to conditions

1. Prior to commencement of development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring associated with the proposal shall be provided clear of the highway and retained at all times for that sole purpose.
2. No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be always retained.
4. Prior to first occupation of the development the proposed access points shall be provided with a suitable vehicle crossing of the highway verge. The access points at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Full layout details to be agreed with the Highway Authority.

Ecology – Essex County Council: no objection subject to conditions

We are satisfied that there is sufficient ecological information available for determination, following the submission of the updated ecological documents. This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Recommended conditions

1. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ADAS Ltd, August 2019) as submitted with the associated application (21/00605/FUL) and agreed in principle with the local planning authority prior to determination.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Optional condition – the Habitat Management and Monitoring Plans could be secured via planning obligation or as part of the biodiversity gain condition.

However, if the LPA would like to secure these measures under a condition of any consent, the following condition could be implemented:

2. Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:
 - A management and monitoring plan for onsite significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
 - A management and monitoring plan for off-site significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

Reason: To allow the development to demonstrate mandatory biodiversity net gain and allow LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

The biodiversity gain condition could be added as an informative.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Planning Practice Guidance

Core Strategy Adopted Version (December 2011); Policies GB1, ENV2, ENV3.

Development Management Plan (December 2014); Policies DM26, DM27.

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 hereby permitted shall be carried out in complete accordance with the following approved plans: SFHA2.v2 dated 9/2/24, SFHA3a.v2 dated 9/2/24, SFHA3b.v3 dated 9/2/24, SFHA4.v2 dated 9/2/24, SFHA5a.v1 dated 9/2/24, SFHA5b.v1 dated 9/2/24, Drawing Title No. 01_permitting 6A (Bwre-SFH-CD2) dated 11/10/24, Drawing Title No. 01_permitting 6B (Bwre-SFH-CD2) dated 11/10/24 and SFHA6.v1 dated 27/8/24.

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. Within 1 month of completion of construction of the solar farm pursuant to planning consent 21/00605/FUL or within 1 month of first generation of electricity from this solar farm development, whichever is sooner, all hard surface material (shown in the area coloured green on Drawing Title No. 01_permitting 6B (Bwre-SFH-CD2) dated 11/10/24) associated with the formation of the vehicular access hereby approved to the east of Fambridge Road, shall have been removed from the site and details of replacement hedge planting shall have been submitted to and agreed by the Local Planning Authority. Details shall include: -

- Details of the species, size, number and location of plants to be planted to form a replacement native hedge to be installed in the position of the section of hedge removed to form the access.
- Planting details.
- Details of maintenance including watering in the first 5 years after planting.

The soft landscaping as agreed shall be implemented in full within 3 months of the details having been agreed unless otherwise agreed by the Local Planning Authority. Maintenance shall be undertaken as agreed for the first 5 years following planting and any 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 developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To reduce impact on the character and appearance of the Green Belt and in the interests of visual amenity and biodiversity and ecology including to comply with Policy DM26.

4. Within the first planting season (October to April inclusive) following first use of the vehicular accesses hereby approved, compensatory hedgerow planting as indicated on Drawing no. SFHA4.v2 dated 9/4/24 shall have been planted in accordance with details of the number, species, position of and method of planting that shall have been agreed in writing by the Local Planning Authority.

Any 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 developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: In the interests of visual amenity, biodiversity and ecology including to comply with Policy DM26.

5. The removal of the sections of hedgerow hereby approved shall take place in accordance with details contained within the PEA addendum note produced by enzygo environmental consultants referenced P9213 – PL dated 23rd August 2024 including the need for the hedgerows which are to be removed to have been surveyed by a Qualified Ecologist 48 hours before clearance for any protected species, nesting birds, newts and amphibians and staggered reduction in height with hedgerows cut down to a height of 250mm with all arisings removed, 48 hours later cut remaining vegetation to a height of 150mm, and then final clearance of hedgerows 48 hours later and removed all arisings from the site. The Ecological Clerk of Works will review the site to ensure that there are no GCN or other protected species on the areas where the hedgerows are removed before the proposed entrances are constructed and used.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

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

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

7. Means to prevent the discharge of surface water from the two accesses onto the public highway hereby approved shall be installed with backfilled filter drains with perforated pipes in accordance with the

details shown on the Drawing No. 680711-RSK-A-ALL-P01-23-02-23.DWG contained within the Drainage Statement and Flood Response Plan dated July 2023 (680711-R1(02)) in the positions as shown on Drawing No. SFHA6.v1 dated 27/8/24 prior to first use of the vehicular accesses and these shall be retained whilst the access(es) are in existence.

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

8. Prior to first use of the vehicular access hereby approved to the west of Fambridge Road the access shall have been provided with a suitable vehicle crossing of the highway verge in accordance with details that shall have been submitted to and agreed by the Local Planning Authority and the access point at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in each direction, as measured from and along the nearside edge of the carriageway. These vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

9. Prior to first use of the vehicular access hereby approved to the east of Fambridge Road the access shall have been provided with a suitable vehicle crossing of the highway verge in accordance with details that shall have been submitted to and agreed by the Local Planning Authority

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

10. Prior to commencement of development, areas within the site shall be identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring associated with the proposal which shall be provided clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

Informative

1. The applicant/developer's attention is drawn to the fact that they will need to apply to the Local Planning Authority to discharge the mandatory Biodiversity Net Gain condition (Schedule 14 of the Environment Act 2021) prior to the commencement of development on site. Guidance is available at <https://www.gov.uk/guidance/biodiversity-net-gain#submission-of-the-biodiversity-gain-plan>.

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