



PLANNING APPLICATIONS WEEKLY LIST NO.1749
Week Ending 21st March 2025

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 24th April 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **26th March 2025** 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.

Index of planning applications: -

- 1. Recommended Refused – 25/00069/FUL - 49 Eastwood Road Rayleigh PAGES 2-10
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- 3. Recommend Refused – 24/00868/FUL - First And Second Floors At 81 To 87 High Street Rayleigh PAGES 40-59

Application No :	25/00069/FUL Zoning : Town Centre
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	49 Eastwood Road Rayleigh Essex
Proposal :	Construction of a front glazed extension to provide seating area

SITE AND PROPOSAL

1. The application site is located on the northern side of Eastwood Road and forms a shop unit with maisonettes above. The front elevation fronts onto Eastwood Road. The case officer noted when he conducted his site visit that located at the front of the applicants property was an area that was fenced off and used for seating. The public footpath at this locality was wide effectively separating the applicant's property from Eastwood Road, which is heavily trafficked. The applicant's property is flanked on either side by commercial/retail units. The applicant's property forms part of the 1960/70's parade of shops, characterized by its uniform design typical of that era. In contrast, the adjacent property(No.55) is a more modern design that stands out from the surrounding buildings. The newer building projects out further, creating a noticeable contrast in both structure and layout compared to the surrounding buildings. The site is located within the Rayleigh Town Centre boundary and just outside of the Rayleigh Conservation Area.
2. The proposal is for the construction of a glazed extension to provide a seating area at 49 Eastwood Road, Rayleigh.

RELEVANT PLANNING HISTORY

3. Application No. 04/00157/FUL - New Shop Front – Approved - 13.04.2004.
4. Application No. 92/00681/COU - Change Use of Launderette to Class A3 (Food and Drink) – Approved - 21.01.1993.

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).

Design

7. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environment, whilst not adversely affecting the streetscene by reason of scale, height, proportions or materials used.
8. Guidance advocated within the National Planning Policy Framework (NPPF) places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”* (para. 139). Building upon this is 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. Furthermore, this point expanded in Policy DM1 of the Development Management Plan (2014), which states that *“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”*.
9. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity. Moreover, according to Rochford District Council SPD4 Shop Fronts Security and Design states *“The shop front must be considered as an intrinsic part of the overall appearance of a building. It should appear to be perfectly related to the upper floors in structural concept, proportion, scale and vertical alignment. All the elements of the elevation must be fused together to express an effect of logical visual inevitability”*.
10. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
11. The subject site is not within proximity to any Listed Building and is not within the Rayleigh Conservation Area.
12. The application site is located directly to the southern boundary of the Rayleigh Conservation Area and there is a distance of approximately

100m separating the site from the boundary of the Conservation Area. Although it is not in the Conservation Area, the principle of development must be analysed such that it does respect the policies associated with the Council's Designated Conservation Areas. Furthermore, there are no listed buildings in close proximity of the application site.

13. Section 72 of the Planning Act (Listed Buildings and Conservation Areas) imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
14. Policy DM9 of the Council's Development Management Plan (2014) relates to the development outside, but close to the boundary, of Conservation Areas. Conservation Areas are designated to protect the character and important value of particular townscapes. Conservation Area Action Plans are in place to aid their protection and enhancement. The policy outlines that development near to the boundary of Conservation Areas must abide by is as follows:
 - The development must have regard to the Conservation Area and the overall street scene.
 - The development must not alter the appearance of a building and should carefully consider the impact of the changes on proposed on the setting, character, and appearance of the adjacent Conservation Area.
 - Account should be taken of all changes proposed including (but not limited to) changing building materials, altering the positioning and design of fenestration and extensions and other alterations.
15. As previously stated, it should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as policy DM1 of the Council's Development Management Plan which seeks that new development should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment.
16. The application proposes the construction of a front glazed extension to provide additional seating at 49 Eastwood Road. Based on the Council's GIS database and the Rayleigh AAP, the site is located within

the secondary retail shopping frontage and outside the Rayleigh Conservation Area. Moreover, the submitted plans indicate that the applicants property is situated approximately 100m from the edge of the Conservation Area, with the existing retail and commercial units acting as a buffer. Additionally, the case officer notes that the front elevation of applicant's property is perpendicular to the boundary of the Conservation Area and the property does not face it.

17. Most of the retail units along this stretch of the street are typical of the 1960's and 1970's, creating a consistent and uniform streetscape. However, they lack any significant architectural merit. The case officer also notes that the pavement in front of these retail units is quite wide, effectively creating a separation from the adjacent road. Additionally, it appears that there was a later addition at No.55 Eastwood Road, likely constructed in the 1980's or 1990's. The front elevation of this retail unit extends approximately 1m beyond the front elevation of the host building.
18. As previously stated, the applicant proposes to remove the existing shopfront, which is notably lackluster, lacking visual appeal, and underwhelming on this important, heavily trafficked route into the town centre. As mentioned, the current shopfront is considered outdated and reflective of its time. The proposal seeks planning consent to replace it with a floor-to-ceiling glazed extension at the front of the premises. The fully glazed extension will project approximately 1.5m beyond the front elevation of the host property, and 500mm beyond the front elevation of No. 55 Eastwood Road, located immediately to the east of the application site. It will span the entire front elevation of the host property and will not extend beyond the existing overhead canopy. The proposed glazed extension will cover a footprint of about 9.57m² and reach a height of 4.6m.
19. In the case officer's opinion, the proposal will help to break up the monotony of the streetscape and introduce a modern design that is more visually appealing than the current shopfront. While it will differ from the surrounding shopfronts, this alone is not a sufficient justification for warranting a refusal. The proposal will not appear out of place or disruptive within the local environment, where there is a mix of building styles in the wider area. It will not be incongruous and will not negatively affect the character or appearance of the streetscape or the broader vernacular. Therefore, the proposal broadly complies with the guidance outlined in policy BE.1 and the NPPF. Furthermore, due to the separation distances and intervening buildings, the proposal is not expected to have a harmful impact on the setting, character, or appearance of the adjacent Conservation Area, and it aligns with policy BE.9.

Impact on Residential Amenity

20. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.
21. Amenity is defined as a set of conditions that one ought reasonably to 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.
22. The case officer observed that the property adjoining the applicant's premises is also commercial in nature. The properties located immediately to the rear of the applicant's premises are also commercial in nature. Consequently, given the position and nature of the development in conjunction with its distance from neighbouring properties, it is not considered the proposal will cause demonstrable harm to the residential amenities of occupiers of any surrounding dwellings. Furthermore, Eastwood Road is a heavily trafficked road, and the ambient noise levels are quite high due to the passing vehicular traffic and the presence of commercial/retail enterprises in the general vicinity, it is not considered that patrons using the proposal will generate sufficient noise that will cause harm to nearby residential properties.
23. Overall, 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 policy DM1 of the Development Management Plan.

Highways

24. Policy DM1 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.

25. In accordance with paragraph 116 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.
26. According to the planning application forms the applicant has indicated that the site does not have any existing vehicle/cycle parking spaces nor will the proposed development add/remove any parking spaces. The proposed development would not affect existing parking provision within the immediate locality. It is not considered that the proposal would have a detrimental impact on parking.
27. Notwithstanding the above, the case officer considered it prudent to consult with colleagues in Essex County Council Highways Authority regarding the submitted information and they state *"The site currently features a restaurant with a wooden fenced and surfaced area for outdoor dining to the front of the site. The proposal comprises removal of the existing structures and provision of a glazed front extension to the entire building frontage. The plan shows this structure extending by 1.52 metres from the current building line. As submitted, the extension will encroach on highway land and the structure will obstruct the pedestrian footway. The existing wooden structure is also obstructing, encroaching and enclosing this section of highway land."*

The highway record has been examined, and it was confirmed that the land in the application site has highway rights over it and is considered to form part of the publicly maintainable highway. Highway rights are protected by the Highways Act 1980. The Highway Authority has a responsibility to protect the highway and as such this Authority cannot sanction any development on land where highways rights exist over it. Land which has highway rights over it must always remain free of enclosure and encroachments.

Encroachment and enclosure of highway land is unlawful, the current structure is also obstructing access to several utility chambers in the footway and the structure must be removed. Until all such encroachments and obstructions are removed, the applicant is vulnerable to enforcement action by the Highway Authority".

28. In conclusion, the proposed development raises significant concerns regarding encroachment on public highway land, which is protected under the Highways Act 1980. Moreover, colleagues within Essex County Council Highways Authority have highlighted that the existing structures, along with the proposed extension, would obstruct the pedestrian footway and violate highway rights. Given that highway land must remain free of encroachments and obstructions, the current proposal is not compliant with the required regulations, and this will form a reason for refusal.

Flooding

29. 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.

Biodiversity Net Gain

30. 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.
31. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
32. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

33. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
34. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

35. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

36. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No reply received.

Essex County Council Highways Authority:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

- As far as can be determined from the submitted plans, the proposed development would obstruct and encroach on an area of publicly maintainable highway.
- The proposal if permitted would lead to an obstruction on the highway footway which is for use by pedestrians and would set a precedent for future similar developments which is detrimental to the safety of all highway users.

The proposal is therefore contrary to policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and the NPPF 2024.

Cadent Gas: No objection, informative note required.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - policy CP1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) - policies DM1, DM9, DM30.

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).

The Essex Design Guide (2018).

Rochford District Council SPD 4: Shop Fronts Security and Design (January 2007).

Rayleigh Area Action Plan (2014).

RECOMMENDATION: REFUSE

1. The Local Planning Authority considers that the proposed development would obstruct and encroach on an area of publicly maintainable highway. The proposal if permitted would lead to an obstruction on the highway footway which is for use by pedestrians and would set a precedent for future similar developments which is detrimental to the safety of all highway users. The proposal is therefore contrary to policy DM1 of the Development Management Plan 2014 adopted as and advice advocated within the National Planning Policy Framework 2024.

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

Application No :	24/00882/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Stable Block The Dell Madrid Avenue
Proposal :	Proposed 1No. self-build dwelling with basement below.

SITE AND PROPOSAL

1. The application site is located on Madrid Avenue which is a private street on the northern side of Rawreth Lane. The road serves two bungalows and a stable block which is the subject of the application. There is a gated entrance off Rawreth Lane and therefore it serves more as a driveway than a road. The application buildings comprise two groups of stables which once served the equestrian use of the application site. Part of the stables were converted in 2018 as a residential unit. The stables benefit from planning permission to demolish and re-build as three residential bungalows.
2. The application site is located within the Metropolitan Green Belt of Rayleigh. Albeit the site is opposite to the strategic development site on London Road/Rawreth Lane, the area adjoining maintains an

appearance which is distinctively open. This is a characteristic and notable feature of the Green Belt which planning policy seeks to safeguard. The plot is bordered by undeveloped agricultural fields offering limited boundaries which contribute to the overall sense of openness of this land as it does the character of the wider area.

3. Planning permission is sought for the demolition of the existing stable block and the construction of 1 No. new dwelling. The proposed dwelling would be constructed in a barn style, comprising a main building with a pitched roof and two further pitched roofed projections. According to the submitted plans the footprint of the proposed dwellinghouse will occupy a larger footprint than the existing stable block. The building would be finished externally in vertical timber weatherboarding painted black. In addition, the applicant is proposing to erect a basement level.

RELEVANT PLANNING HISTORY

4. Application No. 24/00005/FUL - Demolition of existing stables and creation of a 4-bedroom bungalow with associated basement amenity space – Refused – 28th August 2024. Reasons for refusal:

“The proposed development would result in inappropriate development in the Metropolitan Green Belt. The scale, mass and bulk of the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing built form contrary to policy DM10 to the Council’s adopted Development Management Plan and paragraph 154 g) to the National Planning Policy Framework (December 2023). There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore fail to comply with Policy of the Council’s Development Management Plan and the National Planning Policy Framework and if allowed would cause an incremental loss of openness detrimental to the character of the metropolitan Green Belt”.

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The proposal involves the demolition of a stable block which could potentially be used by bats. No ecological survey has been submitted with the application to establish the presence or absence of protected species at the site or determine appropriate mitigation should it be required. It can therefore not be determined whether the proposal would result in harm to protected species. Insufficient information has therefore been submitted to support the development, contrary to Policy DM27 of the Council’s Development Management Plan and relevant

parts of the National Planning policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity”.

5. Application No. 22/00338/FUL - Demolish existing buildings and construct one four bedroomed dwelling – Approved – 3rd August 2022.
6. Application No. 21/01196/FUL - Demolish existing buildings and construct 1 No. new-build dwelling house – Refused – 13th January 2022. Reasons for refusal:

“The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt within which planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm by definition of inappropriateness and any other harm. The proposed development would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The proposed dwelling would have a scale and massing that would result in a greater visual and spatial impact upon the openness of the Green Belt, by way of the excessive height and footprint in comparison to the buildings that would be replaced. No very special circumstances have been presented that clearly outweigh the harm to the Green Belt, and any other harm, and the proposal would therefore conflict with Green Belt policy contained within the NPPF and Policy DM10 of the Council’s Development Management Plan”.

“The proposed development would result in the change of use of green belt land to residential garden. The garden area would be excessive and disproportionate to the application building. The proposal would result in the change in character of important green belt land given its open and green character fronting Rawreth Lane. The introduction of the residential and urban appearance by way of the presence of garden paraphernalia associated with such a change of use would be detrimental to the character and appearance of the green belt. Therefore, the development would be contrary to Policy DM22 of the Development Management Plan and the NPPF”.

“The proposed dwelling would be considered to form a poor design by way of its incongruous appearance. The proposal would combine two architectural styles that would create an awkward and uncomfortable arrangement, both of which would appear out of character with the surrounding rural character. The dwelling would emulate a utilitarian and industrial appearance and the bland elevations would further emphasise this poor design. Overall, the appearance of the dwelling would be considered out of character with the traditional rural appearance of the application site and surrounding area, contrary to part (x)

and (xi) of Policy DM1 and part (i) of Policy DM3 of the Development Management Plan”.

7. Application No. 19/01026/FUL - Re-build conversion of existing stables as approved on 14th November 2018 under application no 18/00843/FUL to provide 3 no two bedroomed dwellings – Approved – 3rd January 2020.
8. Application No. 18/00843/FUL - Extend approved dwelling (Unit 1) Ref 18/00267/FUL and convert remaining stables to provide two additional dwellings – Approved – 14th November 2018.
9. Application No. 18/00267/FUL - Change of Use of Stable Building to Residential Use – Approved – 4th July 2018.
10. Application No. 15/00837/DPDP1 - Householder Prior Approval for Single Storey Rear Extension. Projection 8m from Original Rear Wall, Eaves Height 2.40, Maximum Height 3.80m – 22nd December 2015.
11. Application No. 10/00585/LDC - Application for Lawful Development Certificate for Proposed Single Storey Rear Extension - LDC Permitted – 20th December 2010.

MATERIAL PLANNING CONSIDERATIONS

12. 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.
13. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Background Information

14. The site has an extant permission with reference 22/00338/FUL for the erection of a detached dwellinghouse following the demolition of the existing buildings. Nevertheless, the applicant wanted to increase the floor space and submitted a revised planning application (24/00005/FUL) which was subsequently refused for the reasons cited above. In response to the previous grounds for refusal, the applicant has submitted amended plans demonstrating a reduction in the scale and massing of the proposed development. Furthermore, a Preliminary Ecology Assessment (PEA) has been provided, which will be subject to detailed assessment in the following report.

Green Belt issue

15. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
16. To ensure that sustainable development is pursued in a positive way, there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration.
18. Consequently, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

19. As previously stated, the application site is located wholly within the Metropolitan Green Belt. Paragraph 142 of the framework states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Para. 143 repeats the five purposes of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns;
and
- v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

20. Paragraph 153 explains that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

21. Paragraph 154 of the Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

22. By virtue of paragraph 154 of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (g), paragraph 154 of the framework.
23. Furthermore, Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
24. Building upon para. 154 is para. 155 of the framework, which enunciates a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -
25. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
26. The guidance stated within paragraphs 110, 115, 156 to 157 are not applicable to the determination of this application.
27. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant

planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” (VSC) in their own right.

28. As part of their submission the applicant has not provided any additional information which would amount to VSC.

Assessment Against Exception (g)

29. The applicants planning agent infers that the proposal complies with part (g). For brevity, the exception under part (g) allows for the partial or complete redevelopment of Previously Developed Land (PDL) which would not cause substantial harm to the openness of the Green Belt.

30. PDL is defined in the appendix to the Framework as:

‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’

31. In order to establish whether or not the site constitutes PDL, it is important to consider the existing uses on the site. The current outbuildings were last used for equestrian purposes and as a result do not fall under the traditional use of an agricultural building. This is because horses kept for recreation, sport and business are not classed as an agricultural activity. It was clear upon visiting the site that the application site provided an equestrian facility, which would therefore not fall under agricultural activity. It is therefore clear that the application does not replace buildings used for agricultural or forestry purposes and therefore does represent PDL.

32. The existing stable block is of permanent and substantial construction, consisting of a wooden framed building set on a concrete base. Aerial imagery indicates that the building has been on the site since at least 2010. It is therefore considered that the application relates to an existing building of substantial and permanent construction and would qualify as previously developed land. Moreover, the Framework is clear that “it should not be assumed that the whole of the curtilage [of a PDL site] should be developed’. Built development on the site is currently

limited to the stable block which is located within a 'C' shape facing westwards. The proposed development would compress the built form, still taking on a 'C' shape to an extent but creating a greater width to the projections and slightly infilling the courtyard centre. The development would be concentrated over land which is occupied by lawful and existing built form and the development would therefore not extend over land which is currently undeveloped. The principle of the development is therefore not considered to constitute inappropriate development within the green belt as it would be considered as PDL.

33. With regards to policy DM10, the following criteria needs to be adhered to for PDL to be considered acceptable:

- (i) is well related to a defined residential settlement;
- (ii) is well related to local services and facilities;
- (iii) has good connections to the strategic road network;
- (iv) would promote sustainable transport modes;
- (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (vi) is located within the South Essex Coastal Towns landscape character area.

34. It is considered that the development is well related to a residential settlement, local services and facilities with good highway connections (links directly to Rawreth Lane). Rawreth Lane has direct bus routes which are sought to be increased by the services provided by the strategic site that is being carried out south of the application site (Land North of London Road). The proposal is not considered to have a negative impact upon areas of nature conservation importance or the historic environment. The site is located within the South Essex Coastal town landscape character area. Policy DM10 does seek to ensure that the design, scale and siting does not harm the openness of the Green Belt and character of the countryside, this has relevance within the section below.

35. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.

36. In the justification for the proposal as part of the applicants Design and Access Statement and accompanying plans, the agent infers that the proposal complies with part (g) of paragraph 154 of the Framework as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal

would not have any adverse impact on the openness of the Green Belt either visually or spatially due to the existing built form, which will be demolished in order to make way for the proposed development described.

37. The existing floorspace is made up of the existing buildings and measures 202m². The footprint of the stables has been taken from the submitted plans for ref: 18/00843/FUL as those submitted with the application do not appear to be accurate with what is on site. According to the submitted plans the proposed dwellinghouse would have a floor area measuring approximately 263m² and the overall footprint of the building (excluding the proposed basement level which will be discussed later) would be roughly 296m². The previously approved application 22/00338/FUL which is still extant had a floor space of 265.84m² and overall footprint of 296m². Therefore, according to the submitted plans the proposal will see a decrease of 2.84m² in relation to floor space and the overall footprint of the proposal will be identical at 296m² (approx.), which is consistent with the previously approved plans.
38. In addition to the above, the applicant is proposing to construct a basement which will be used as a gym, dressing room, playroom and services/plant room. According to the submitted plans the proposed basement will have a floor area of approximately 197m² and the overall footprint would be roughly 215m². However, given that the basement would be below ground level, this is not taken into account within the calculations of the proposed floorspace. Furthermore, as the basement is situated underground it will not result in any demonstrable harm to the openness of the Green Belt.
39. The existing stables vary in height between 3m and 4.6m. The majority encompass a height of 3m with only one section comprising the 4.6m height. The stables are therefore low key and single storey. The proposed dwelling would have a maximum height of 5.1m with the pitched roof projections measuring a lower height of 4.8m. The ground would be dug out 1m below the existing land level height, meaning that from the existing ground level the development would be no greater in height than the existing stables.
40. In relation to para. 154 exception g) there is no requirement for the use to be the same and thus the general principle of replacing existing buildings is acceptable. This is subject to the provision that any redevelopment should not cause substantial harm to the openness of the Green Belt.
41. Therefore, crucial to the assessment of this application, is whether or not the proposed dwelling would cause substantial harm to the openness of the Green Belt. The framework does not define the term 'substantial'; however, the ordinary definition according to Cambridge English Dictionary means *"large in size, value, or importance"*.

42. Paragraph 142 of the Framework states: “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. It is patently obvious from the above paragraph that the Government considers the openness of the Green Belt is one of the fundamental characteristics. Whilst the Framework does not clearly define openness it is generally accepted from para. 142 that openness is a spatial designation, which can also have a visual component as attested to by various Court cases (referred to below).
43. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
44. The applicant’s agent infers that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposed development for the detached dwellinghouse (as shown on the layout plan) would not cause demonstrable harm to the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: *“The concept of “openness of the Green Belt” is not narrowly limited. The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”*. The Supreme Court ruled authoritatively on the meaning and application of the concept of “openness” within the Green Belt, in *R (Samuel Smith Old Brewery) v North Yorkshire County Council* [2020] UKSC 3.
45. Furthermore, in *Euro Garages Limited v SSCLG* [2018] EWHC 1753 (Admin), where the operator of a petrol filling station challenged an Inspector’s decision to refuse retrospective permission for works involving the creation of a fenced storage area on one side of the shop, where an LPG storage tank was before, along with a side extension to relocate an external ATM.

46. In respect of this case the Inspector found that the scheme would result in a 9.2% increase in floor area, and a 5% increase in volume on the existing buildings and “whilst these may be relatively small increases, the scale and mass of the resulting building would still be greater than at present”. She concluded that *“overall, I therefore consider that the scale and mass of the proposals would have a slightly greater impact on the openness of the Green Belt than the site did previously”*. A lack of visibility did not, in itself, mean that there would be no loss of openness and “moreover, even a limited adverse impact on openness means that openness is not preserved”.

47. The Court held that *“the only basis on which the Inspector could have reached that conclusion was if she considered that the greater floor area and/or volume necessarily meant that there was a greater impact”*. The flaw in that reasoning was that under the policy *“any infill (however limited) would necessarily result in greater floor area or volume” but it should “not be assumed, as the Inspector appeared to, that any change would have a greater impact”*. She ought to have specifically considered *“the impact or harm, if any, wrought by the change”*.

48. The case law confirms that:

- The visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected.
- Rather, openness is the counterpart of urban sprawl, linked to the purposes of the Green Belt, and not necessarily a statement about the about the visual qualities of the land. Applying this broad policy concept is a matter of planning judgment, not law.
- Nor does openness imply freedom from any form of development.
- The concept of openness means the state of being free from buildings. It is open-textured and a number of factors are capable of being relevant.

49. In conclusion, the aforementioned cases were all related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. Therefore, to fully appreciate the impact of the proposal on the Green Belt it is important to address other factors, which (not limited to) includes footprint, built volume and height.

50. In terms of the openness of the Green Belt, the proposal involves the demolition of the existing stable block, which is currently in a deteriorated and dilapidated state, detracting from the local vernacular and appearing incongruous with the surrounding area. The proposed development seeks to replace the existing stable block with a single storey detached dwelling, which is considered to have a more

harmonious relationship with the site and its context. Given the poor condition of the existing structure, its demolition and replacement with a more appropriate building type is deemed to improve the overall visual and functional quality of the site, with the proposed dwelling being of a scale and design that is appropriate for the Green Belt location.

51. In conclusion, it is considered that, from a quantitative perspective, the perceived visual and spatial effects of the proposed development will be materially consistent with the extant permission. The case officer assesses the scale and massing of the proposed dwellinghouse as being similar to that of the previously approved development, which remains valid. The proposal will not result in an increase in scale, massing, or bulk compared to the extant permission, ensuring that it does not adversely affect the character or objectives of the Green Belt. Consequently, in terms of spatial openness, the case officer is of the opinion that the proposal would not result in a greater encroachment on the Green Belt's openness, aligning with the provisions set out in exception g) of the Framework. Overall, the case officer concludes that the proposed development complies with the relevant policies within the Local Development Management Plan, Core Strategy, and Policy 154 of the Framework.

Housing Land Supply

52. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Consequently, in accordance with paragraph 11(d) of the Framework, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. An important material planning consideration is exception b. of para. 155 which states that development within the Green Belt for homes, commercial and other development within the Green Belt should not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed. Unmet need is further explained in the footnote, which states the following *"in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years"*.
54. The proposal posits the demolition of the stable block and replacing it with 1No. detached single storey dwelling. The recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this

proposal there will be a NET increase in the number of dwellings (albeit by 1No.) and as such if the proposal was permitted it would contribute to the existing shortfall. Consequently, the proposal will have a positive impact on housing land supply which is a significant material planning consideration. In light of the above, the case officer is of the opinion that exception b. of para 155 is engaged.

Change of use from green belt to residential garden

55. Policy DM22 of the Development Management Plan allows for extensions of domestic gardens in the green belt provided that they do not impact upon the openness or character of the green belt, amongst other criteria. Whilst the proposal does not relate directly to this policy, it does help to inform the consideration which should relate to ensuring the land remains rural in character and preventing urbanisation outside of the residential areas.
56. The application site is occupied by two stable blocks and a large paddock which fronts onto Rawreth Lane. The proposed site demonstrated on drawing No. 2 of 2 (as per date stated on plan December 2024) has depicted an area of garden adjacent to the dwelling. The garden area would measure some 925m². Appropriate boundary treatments could be erected to separate the garden from the adjoining land, including the other land that would remain within the same ownership but outside of the residential garden. These boundary treatments could be agreed by way of condition.
57. Whilst the proposed garden would not feature outbuildings which would impact on the openness of the green belt, garden use would likely introduce garden paraphernalia which would alter the character and appearance of the site compared to the existing use of this area of the site. However, a proportionate garden area to serve dwellings would be expected to feature in a proposal for change of use of an existing rural building to a dwelling. To accord with Policy DM22 and guard against large outbuildings which would detract from the openness of the green belt here, it is recommended that permitted development rights for outbuildings are removed.

Design

58. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework 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.

59. 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.
60. Whilst 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.
61. Moreover, the Framework 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 (paragraph 139).
62. Previously the applicant has worked with officers to achieve an improved design from what had previously been proposed. The resultant dwelling would reflect a barn style typical for the Essex countryside. The proposed dwelling would incorporate proportionate glazing to wall ratio. The dwelling would successfully create an attractively designed building that would stand in its own right, without detracting from the rural appearance of the area. According to the submitted plans the ground floor accommodation would comprise 3No. bedrooms (2No. en - suites), storage cupboard, w.c., entrance hall, utility room, lounge and open plan kitchen/diner. Overall, the development would be considered compliant with Policy DM1 and DM3 of the Development Management Plan. However, this does not overcome the previous concerns cited within this report.

Impact on Residential Amenity

63. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.
64. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the 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.

65. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties. It is considered that the development of the site for housing is unlikely to result in significant noise, air or water pollution.
66. The application site is bordered by two bungalows to the north of the stables. There is substantial separation between the application building and the two bungalows so that it is not considered that the proposal would result in material overshadowing. Comparatively to the existing stable blocks, the proposal would be considered to have a greater impact upon the outlook of the bungalows given the massing and use of dark materials. However, the separation between the bungalows and application building would be some 41m and therefore the impact would not be considered unreasonable enough to detrimentally impact the residential amenity of the occupiers. In addition, whilst some fenestration is proposed facing the bungalows, this would serve rooms at ground-floor and therefore the windows would not provide a commanding view. The ground-floor windows could be screened by a boundary treatment which could be imposed by way of condition. Given the factors cited above, it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to these properties neither would the proposal result in any significant overbearing impact. The proposal would be compliant with Policy DM1 and DM3 in this regard.

Living Conditions for Future Occupiers

Garden Sizes

67. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the Framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
68. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroomed dwellings which shall have an area of 50m² minimum.

69. The layout submitted shows that the proposed dwelling could be provided with private amenity space in excess of the requirements. It is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.

Technical Housing Standards

70. 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.
71. 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.
72. 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.
73. 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.
74. The proposed scheme is for a single storey 3-bedroomed 6-person dwelling. A dwelling of this size would be required to provide an internal floor space of 95m² with 2.5m² of built in storage.
75. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.
76. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 263m², and as such in terms of overall GIA the proposal way exceeds the minimum specified technical standards. In reference to the submitted plans all

the bedrooms comply with aforementioned policies and exceed the internal floor area requirements and there would be sufficient storage space.

77. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
78. 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.

Refuse and Waste Storage

79. 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 collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

Flooding

80. 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 framework.

Drainage

81. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response

to rainfall. Advice advocated within the framework 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, in the event that planning permission is approved, 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.

Trees

82. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

“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.”

83. The Council's Arboricultural Officer has been consulted regarding the proposal and raises no objection.

Impact on Highway Safety

84. 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.
85. Essex County Council Parking Guidance (2024) requires that development provide off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application is deemed to have 'very low' connectivity and therefore for a 3- bedroomed dwelling, 2No. parking spaces are required.

86. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. According to plan reference sheet 02 of 02 Revision 00 the site would provide an area off street parking to the west and a further area to the north (rear) of the proposed dwelling. Each area would have the potential to provide at least two off-street car parking spaces measuring to the preferred bay size in accordance with the Parking Standards. The area proposed would be adequate to accommodate at least two car parking spaces in accordance with the parking standards. Details of the exact area of hard-standing and the landscaping proposed could be dealt with by way of condition.
88. No visitor parking is proposed but on a small-scale development this is normally acceptable if adequate parking is provided per unit for the intended residents.
89. It is considered that any intensification resulting from the provision of 1 No. new dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Furthermore, colleagues in Essex County Council Highways have been consulted and raise no objection to the proposed development, stating that there is *"Madrid Avenue is a private road, adequate room is available to provide the dwelling with a minimum of two off-street parking spaces... the impact of the proposal is acceptable to the Highway Authority"*.
90. Overall, it is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed dwelling. Furthermore, it is not considered that one additional dwelling at this locality will cause demonstrable harm to the highway network. The additional comings and goings of vehicles as a result of this proposal will not result in significant disturbance to neighbours via noise and dust which can be substantiated and warrant a refusal. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Biodiversity Net Gain

91. 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).

92. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
93. More specifically the applicant has indicated the proposal relates to a self-build/custom build development. And an exemption applies to this type of development as it meets the following conditions: consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares and is a self-build.
94. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.
95. Notwithstanding the above, the case officer considered it prudent to consult with County Councils Ecologist who states

“With regard to mandatory biodiversity net gains, it is highlighted that applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. As a result, we are satisfied that this application is exempt from mandatory biodiversity net gains, as the development meets the householder exemption.

However, we do recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be secured to provide bespoke species enhancements for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent”.

96. The case officer agrees with the assessment and conclusions reached by the ecologist. Overall, it is considered that the proposal will comply with the requirement has mandated within the BNG regulations.

Off Site Ecology

97. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 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

99. 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.

100. 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 has been paid to the Local Planning Authority.

On-site Ecology

101. 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.
102. 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.
103. 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.
104. To accompany their planning application the applicant has submitted a Preliminary Ecological Assessment (PEA) produced by ACJ Ecology, which is dated November 2024. The report reaches the following conclusions: -

- Habitats – The site is designated for its importance for nature conservation at an international, national, regional or county level. The site itself and the habitats found on-site are common and widespread throughout the UK, and the habitats are of limited ecological value and only site value.
- Protected Species – Habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting habitat. The likelihood of protected species is negligible, and no further consideration is needed.

105. However, the report makes the following recommendation:

- Generally, any lighting should minimize spill onto the surrounding landscape to reduce potential adverse lighting-related effects upon species. Where possible and practicable, operational lighting should be directed away from the hedgerow boundary, although it is noted that the development operation will conform to industry standard guideline and best practices regarding health, safety and crime prevention. A sensitive lighting strategy should be implemented to prevent light spills from enhancing the dark corridor at the rear of the site, benefiting nocturnal and crepuscular species. In addition, this will ensure that the boundary habitats are kept dark during the hours of darkness.

106. The case officer has consulted the County Councils Ecologist in regards to the Ecological Survey. The Councils ecologist states: -

“The mitigation measures identified in the Preliminary Ecological Assessment (ACJ Ecology Ltd., November 2024) recommends a sensitive lighting strategy for bats. Therefore, we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- *Light levels should be as low as possible as required to fulfil the lighting need.*
- *Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- *If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.*

- *Movement sensors and timers could be used to minimise the ‘lit time’.*

107. In light of the above 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. The case officer agrees with the conclusions reached by the Councils ecologist and considers it reasonable to attach a condition relating to a biodiversity enhancement strategy for protected, priority and threatened species and external lighting.

Equalities and Diversity Implications

108. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

109. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

110. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

111. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No reply received.

Essex County Council Place Services Ecology:

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Essex County Council Highways Authority:

Madrid Avenue is a private road, adequate room is available to provide the dwelling with a minimum of two off-street parking spaces. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Arboricultural Officer:

No objection.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV9, T3, T6.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (adopted January 2025).

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

The Essex Design Guide.

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 approved shall be carried out in total accordance with the approved plans Sheet 1 of 2 Revision 00 (Location Plan) (as per date stated on plan December 2024) and Sheet 2 of 2 Revision 00 (Proposed Roof Plan, Elevations, Floor Plans and Site Plan) (as per date stated on plan December 2024).

REASON: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

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

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

4. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
 - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
 - Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

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

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

6. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site shall be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. The developer shall consider the following drainage options in the following order of priority:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer. It is recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development comprising extensions, roof alterations and outbuildings (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site in the interests of maintaining the open character of the Metropolitan Green Belt.

8. Notwithstanding the plans hereby submitted, prior to occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
 - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other

operations associated with plant and grass establishment;

- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the 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 enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

9. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Bat Survey report (Essex Mammal Surveys, October 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures;
- and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

10. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveway of the development, which shall include either porous materials or details of sustainable urban drainage measures shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of the hard surfaces to form the driveway. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in the locality and drainage of the site.

11. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place

REASON: To safeguard protected species.

12. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.

REASON: To 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).

13. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years following completion of construction. Prior to the first occupation of the dwelling the Council shall be notified in writing of the person(s) who will take up first occupation of the dwelling.

REASON: The development permitted was exempt from mandatory biodiversity net gain as set out in the Environment Act 2021 due to it being a self-build development. This condition is required to ensure the development is a self-build in accordance with the definition. If the development was not self-build mandatory biodiversity net gain would be required.

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

Application No :	24/00868/FUL Zoning : Town Centre AND Conservation Area
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	First And Second Floors At 81 To 87 High Street Rayleigh
Proposal :	Construction of a roof structure to accommodate 2no. 2 bed flats

SITE AND PROPOSAL

1. The site of 81-87 High Street is a 1960s/70s three storey commercial block located on the south east side of Rayleigh High Street. The building is constructed of brown brick with concrete balconies to the upper floors. The application site is situated within Rayleigh Conservation Area, within the High Street and Bellingham Lane Character Zone, which predominantly consists of buildings of twentieth century date interspersed with key older buildings. There are several listed buildings and structures located within close proximity to the application building. In front of 81-87 High Street are a Grade II listed Town Pump, Memorial Obelisk and Horse Trough. To the south west

are the Grade II listed 91 High Street (List Entry Number: 1168520) and the Grade II listed Spread Eagle Public House (List Entry Number: 1252994), and to the opposite side of the High Street are the Grade II listed The Crown Public House (List Entry Number: 1112643) and the Grade II listed Francis House (Lloyds Bank) (List Entry Number: 1306976). In addition, there are a couple of locally listed buildings located to the west of the application building (to the opposite side of the High Street).

2. The proposal is for a new roof structure which would accommodate two flats comprising two bedrooms in each flat.

RELEVANT PLANNING HISTORY

3. Application no. 24/00488/DPDP3J - Application to determine if prior approval is required for the proposed conversion of the first and second floor of the building from office use to 9 No. residential flats (Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). – Approved – 17th September 2024.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990) and paragraph 162 (a) of the National Planning Policy Framework (NPPF) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principle of Development

6. More specifically, the proposed development must be assessed in accordance with the NPPF and of particular relevance are policies CP1, CP2, H1 and RTC4 of the Core Strategy and policies DM1, DM3, DM34 and DM35 of the Development Management Plan. The compatibility of a scheme to its surrounding, neighbouring residents and highway implications is imperative to the acceptability of a development in any location.
7. Policy RTC4 seeks to ensure that Rayleigh town centre's role as a principal town centre is retained via an Area Action Plan.

8. The site is located within Rayleigh, Rochford District's principal town centre. Paragraph 90 of the National Planning Policy Framework 2024 (NPPF) supports the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It is recognised that town centre policy should promote their long-term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing for a suitable mix of uses (including housing) and reflecting their distinctive characters. Rochford District Council has defined the extent of Rayleigh town centre and its primary shopping areas and made clear via policy DM34 of the Development Management Plan the range of uses permitted in such locations, as part of a positive strategy for the future of the centre.
9. The site is designated as Primary Shopping Frontage where policy DM34 of the Development Management Plan does apply. The site falls within Character Area A in the Rayleigh Centre Area Action Plan (RCAAP). Policy 5 in the RCAAP refers to Character Area A which recognises the prevailing building height of 3-storeys. In accordance with Policy 3, shopping frontages should be in a mix of retail (A1) and other appropriate town centre uses, including leisure and community facilities.
10. Policy DM35 of the Development Management Plan allows for the use of upper floors of shops in town centre locations for residential purposes where the accommodation is self-contained and provides a satisfactory standard of residential convenience and amenity. The proposal would not result in the loss of the ground floor commercial use and the proposed residential use of the upper floors is considered acceptable in a high street location in principle (the acceptability of the standard of amenity proposed is discussed below).
11. The NPPF encourages the effective use of land to provide much needed housing. However, additional housing should not be to the detriment of the character and appearance of the locality. The creation of high-quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development. The design, form and layout of buildings and the spaces between them is of great importance. Paragraph 135 of Section 12 of the NPPF sets out the criteria for new developments as follows:
 - A) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - B) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - C) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- D) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- E) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- F) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

12. Additionally, 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. Proposals should contribute positively to making places better for people.

13. 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 of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

14. At a local level, 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, although limited infill will be considered acceptable if it relates well to the street pattern, density and character of the locality.

15. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan requires that proposals for residential intensification demonstrate that key criteria have been carefully considered and positively addressed. The Council's Supplementary Planning Document 2 (SPD2) for housing design states criteria that new housing development should meet including for flatted schemes.

16. The Council's Core Strategy (2011) and Allocations Plan (2014) state that conservation areas are set aside to protect the defined area's character against developments that would not preserve or enhance its character. Conservation Areas have statutory protection through the Planning (Listed Buildings and Conservation Areas) Act 1990.

Proposals within these areas must have regard to the overarching Policy CP2 of the Core Strategy.

17. Policy CP2 (Conservation Areas) of the Core Strategy states:

“The Council will work closely with its partners to implement the actions recommended in the adopted Conservation Area Appraisal and Management Plans and will have regard to the advice in the CAAs and adopted SPDs when considering proposals for development within Conservation Areas.”

18. Local policy reflects national planning policy which at section 16 of the National Planning Policy Framework (NPPF) seeks to conserve and enhance heritage assets. In determining applications national policy requires that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

19. Consequently, the main issues are:

- Whether the proposed development is appropriate development in the conservation area for the purposes of the National Planning Policy Framework (NPPF) and Development Plans.
- The effect of the proposal on the character of the conservation area.

Housing Land Supply

20. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

21. The current Annual Monitoring Review for Rochford District Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 2No.) and as such if the proposal was permitted it would contribute to the existing shortfall, which is an important material planning consideration.

22. Although the absence of a 5-year housing land supply is a significant factor, it clearly does not outweigh the negative impact the proposal (if permitted) would have on the other issues outlined in this report.

Design and Impact on the Character of the Area

23. 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.
24. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that: *“The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative.”* Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
25. Policy DM1 seeks to ensure 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 the Essex Design Guide.
26. In the Rayleigh Conservation Area Appraisal and Management Plan (RCAAMP) (2007) the application site is in the Mainly 1950s – 1970s Character Zone which is described as:
- “...predominant architectural style is of the third quarter of the 20th century. It includes the space around the Mill Hall and the windmill, and a block of sheltered housing, Homeregal House.”*
27. According to the Conservation Area Appraisal, the building is indicated to have a negative contribution to the conservation area. A negative contribution is described as:
- “...buildings of no architectural quality detrimental to the character of the area, either by reason of mass, design, materials or siting. Buildings of indifferent design or unsuited to the character of the conservation area.”*

28. High Street is characterised by buildings of various sizes shape, design and roof type. The common feature on most of them is the facing brick on their external envelopes either alone or included with render.
29. The RCAAMP describes the application building as: *“A three-storey block follows (Baker’s Oven, Boots, Clinton’s, Nos. 81-87). It has a concrete jetty and balconies with full height windows with timber and UPVC frames to the frontage, and brown brickwork to the sides.”*
30. The proposed development involves the addition of a roof structure that would increase the building's height by approximately 2.4 metres, resulting in a total of 3.5 storeys. This increase in height is not consistent with the established character of the conservation area, where buildings typically do not exceed three storeys. Despite the intention to integrate the new roof design with the existing building through the alignment of four dormers on both the front and rear roof planes (totalling eight dormers), and the proposed use of slate cladding to reduce its visual prominence, the height increase would significantly alter the building’s impact on the streetscape. The host building is classified as a “negative building” (according to the Conservation Officer) indicating it is already considered an incongruous feature within the conservation area. The proposed addition, rather than mitigating this negative visual impact, would likely exacerbate it, resulting in an unsympathetic and dominant structure that conflicts with the architectural integrity and historical character of the conservation area. The deviation from the prevailing building heights and the exacerbation of the negative building’s appearance would therefore result in a detrimental effect on the area’s overall aesthetic and spatial coherence.
31. Internally each flat will comprise 2 No. bedrooms, a separate shower room and open plan kitchen/living area.
32. Paragraph 203 of the NPPF (National Planning Policy Framework 2024) states that: ‘plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
33. Furthermore, Paragraph 212 states that Local planning authorities should look for opportunities for new development within Conservation

Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

34. Paragraph 215 guides that where a development would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
35. The Historic Buildings Officer was consulted to comment on the proposal and raised an objection as follows:

“As identified within the CAAMP, the application building is an incongruous feature which is not in keeping with the scale and massing of its surrounding context. The proposed development would not only further emphasise a building of no architectural merit and of inappropriate scale, but would also result in a building which competes with the prominence of the nearby listed buildings (particularly Francis House opposite). It is considered that the scale and design of the proposed development would create a visually dominant building, particularly in views southwards (from the junction with Crown Hill) incorporating some of the listed buildings. Overall, the proposed would not be sympathetic to its surrounding context and would further detract from the traditional character and appearance of the conservation area. Accordingly, the proposals would cause harm to the significance of the conservation area and the identified listed buildings.

In conclusion, it is considered that the proposed development would fail to preserve the character and appearance of Rayleigh Conservation Area, causing harm to its special interest. The proposals are also considered to cause harm to the significance of the Grade II listed 91 High Street (List Entry Number: 1168520), Spread Eagle Public House (List Entry Number: 1252994), The Crown Public House (List Entry Number: 1112643) and Francis House (Lloyds Bank) (List Entry Number: 1306976), due to change within their setting. As such, paragraph 215 of the National Planning Policy Framework (NPPF, 2024) is relevant. The proposals are also contrary to Section 72(1) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

36. Overall, in the opinion of the case officer, the proposed development would further highlight the existing building's lack of architectural merit and inappropriate scale, resulting in a structure that competes with the prominence of adjacent listed buildings. The increase in height resulting from the proposed development would exacerbate the building's prominence within the streetscape, reinforcing its incongruity and detracting from the overall visual cohesion of the area. This heightened prominence would negatively impact the character and appearance of the streetscene and the wider Conservation Area. The

case officer concurs with the assessment of the County Council Historic Building Officer, affirming that the proposal would neither preserve nor enhance the Conservation Area, failing to be sympathetic to its established context. The design would further diminish the traditional architectural character and visual quality of the area, contrary to the objectives set out in Policy DM1 of the Rochford Development Management Plan, CP1 of the Rochford District Council Core Strategy, and Section 16 of the National Planning Policy Framework (NPPF).

Impact on Amenity

37. 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.
38. 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.
39. The NPPF states at paragraph 187 planning policies and decisions should contribute to and enhance the natural and local environment criterion (e) stipulates “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution”. Furthermore, paragraph 198 states Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
 - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

40. The building has a lawful designation of a retail use. The building is adjoined by other commercial buildings. Given that the building is in the town centre, it is not considered that the proposal would cause any demonstrable harm to the amenity of occupiers in the adjoining buildings. Furthermore, there are numerous commercial activities taking place within High Street. Overall, given similar types of uses in High Street, neighbouring occupants already experience quite high ambient noise levels. It is not considered that the proposal would significantly affect the amenities of the neighbouring occupiers, and the proposal complies with policy DM1, and advice advocated within the NPPF in this regard.

Amenity Space and Garden Size

41. The Council's Supplementary Planning Document SPD2 (2007 Housing Design) sets out the minimum garden areas which new housing developments must adhere to, which are in line with the garden size requirements contained within the previous Essex Design Guide current at that time. For flats there is a requirement for a minimum balcony area of 5m², with the ground floor dwelling having a minimum patio garden of 50m²; or the provision of a useable communal residents' garden on the basis of a minimum area of 25 m² per flat. These two methods for flats may also be combined.
42. The submitted site layout plan indicates that no private amenity space is allocated to the two flats. However, it is pertinent to note that the site is located within a town centre, providing access to public open spaces. Specifically, the application site is in close proximity to King George's Park, situated to the south-east, which offers a range of recreational and communal facilities. Consequently, although the absence of private amenity space is a material consideration, it is deemed that, given the availability of accessible public open space within the immediate vicinity, this issue does not represent a sufficient ground for refusal. Furthermore, it is considered that this concern would not constitute a robust reason for refusal capable of withstanding scrutiny at any potential future appeal, particularly in light of the reasons cited above.

Technical Housing Standards

43. The Ministerial Statement of the 25th of 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.
44. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require

compliance with the new national technical standards, as advised by the Ministerial Statement.

45. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
46. The proposed dwellings comprise of 2 No. two bedroomed apartments and should therefore provide a minimum internal floor area of 61m² each, including 2m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. 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, flat A would have a floor area of 85m² and flat B an area of 86m², as such in terms of overall GIA the proposal complies and exceeds the minimum specified technical standards.
47. The table below shows the Gross Internal Floor area for each of the bedrooms in the main dwellinghouse (all measurements are approximate).

Flat A	
Bedroom No. 1	15m ²
Bedroom No. 2	12m ²
Flat B	
Bedroom No. 1	16.7m ²
Bedroom No. 2	15.4m ²

48. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Furthermore, it was noted that the storage area was approximately for Flat A – 3m², Flat B - 2.4m² and as such each of the apartments complies with the criteria for storage areas enunciated in the Technical Housing Standards.
49. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

50. 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.

Refuse and Waste Storage

51. 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 20 m (drag distance) from any collection point. In this case the space at the rear of the building would provide adequate storage space whilst the drag distance would be below 20m owing to the distance of the proposed dwelling from the road.

Impact on Highway Safety

52. Policy T8 of the Core Strategy confirms the Council will apply minimum parking standards, including visitor parking, to residential development. 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. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards for residential development. Given the location of the site in close proximity to Rayleigh Town Centre and local public transport such as bus stops and Rayleigh's train station, this location is considered to be highly sustainable. Policy DM30 and the Parking Standards both confirm that reductions of the vehicle standards may be applied if the development is within a main urban area that has good links to sustainable transport. It has been established that this location is a sustainable location and accordingly consideration could be given to whether a reduction in off-street car parking spaces would be considered acceptable.
53. In accordance with paragraph 116 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. Colleagues from Essex County Council Highways Authority were consulted to comment on the proposal to which they responded as follows:

"A reduced parking standard has been applied. Rochford District Council's adopted parking standards state: "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..."

54. The Highways Engineer goes on to state that they have no objections to the proposal subject to conditions relating to cycle parking, residential travel information pack, one off street parking space per dwelling, reception and storage of building materials and standard informatives.
55. In conclusion, the Highways Authority has reviewed the submission information and concludes there would be no unacceptable impact on highway safety or a severe impact on congestion. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of 2No. additional dwellings in this area is not deemed to be of such severity that would warrant refusal of the application. Overall, it considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Flooding considerations

56. 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.

Drainage considerations

57. Advice advocated within paragraph 182 of 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, in the event that planning permission is approved, 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.

Trees

58. 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.’

59. There are two large mature trees located at the front of the application property. The Council’s Arboricultural Officer was consulted to comment on the proposal and he raised no objection to the proposal. As such, it is not considered that the proposal would detrimentally impact on trees and the proposal is in accordance with Policy DM25 of the Development Management Plan.

Ecology

On site

60. 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 is required. 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.
61. 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.

62. 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.
63. No formal ecological appraisal has been submitted as part of the application. However, based on the site's characteristics, which are predominantly comprised of hard surfacing, it is considered unlikely to provide suitable habitat for protected species. The applicant has submitted a bat declaration survey, which indicates the absence of bat roosts or activity on the site. Given the lack of suitable ecological habitat and the findings of the bat declaration, it is concluded that the proposal is not likely to have a significant adverse impact on protected species or biodiversity. Therefore, the absence of a comprehensive ecological appraisal is not considered to be a critical issue in this instance as such the proposal complies with policy DM27 of the Local Development Management Plan.

Off-site

64. 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.
65. To accord with Natural England's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two flats.

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

66. 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.

67. As a 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. However, the applicant has not paid the required fee and this will form an additional reason for refusal.

Biodiversity Net Gain

68. 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).

69. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain

requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets the exemption criteria relating to de-minimis development. The applicant has not therefore been required to provide any BNG information.

70. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning condition to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

71. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

72. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

73. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

74. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No reply received.

Essex County Council Place Services Historic Environment Team:

As identified within the CAAMP, the application building is an incongruous feature which is not in keeping with the scale and massing of its surrounding context. The proposed development would not only further emphasise a building of no architectural merit and of inappropriate scale but would also

result in a building which competes with the prominence of the nearby listed buildings (particularly Francis House opposite). It is considered that the scale and design of the proposed development would create a visually dominant building, particularly in views southwards (from the junction with Crown Hill) incorporating some of the listed buildings. Overall, the proposed would not be sympathetic to its surrounding context and would further detract from the traditional character and appearance of the conservation area. Accordingly, the proposals would cause harm to the significance of the conservation area and the identified listed buildings.

In conclusion, it is considered that the proposed development would fail to preserve the character and appearance of Rayleigh Conservation Area, causing harm to its special interest. The proposals are also considered to cause harm to the significance of the Grade II listed 91 High Street (List Entry Number: 1168520), Spread Eagle Public House (List Entry Number: 1252994), The Crown Public House (List Entry Number: 1112643) and Francis House (Lloyds Bank) (List Entry Number: 1306976), due to change within their setting. As such, paragraph 215 of the National Planning Policy Framework (NPPF, 2024) is relevant. The proposals are also contrary to Section 72(1) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Essex County Council Highways Authority:

No objections to the proposal subject to conditions relating to cycle parking, residential travel information pack, one off street parking space per dwelling, reception and storage of building materials and standard informatives.

Rochford District Council Arboricultural Officer: No objection.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, CP2, H1, RTC4, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM34, DM35, DM27, DM25, DM30.

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025)

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

Supplementary Planning Document 6 (January 2007) – Design Guidelines for Conservation Areas.

Rayleigh Town Centre Area Action Plan (2015).

Rayleigh Conservation Area Management Plan (2007).

Natural England Standing Advice.

Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION: REFUSE

1. The application does not include a mechanism to secure suitable mitigation in the form of a sufficient contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 175(a) of the National Planning Policy Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.
2. In the opinion of the Local Planning Authority, the proposed development, if permitted, would further accentuate the existing building's architectural deficiencies and disproportionate scale, resulting in a structure that competes with the prominence of adjacent listed buildings. The proposed increase in height would exacerbate the building's visibility within the streetscape, intensifying its incongruity and disrupting the visual and spatial cohesion of the area. This heightened prominence would undermine the character and appearance of both the immediate streetscene and the broader Rayleigh Conservation Area. As a result, the proposal would fail to either preserve or enhance the Conservation Area, contrary to its objectives. The public benefits associated with the development are deemed insufficient to outweigh the harm it would inflict upon the historic and architectural integrity of the area. Accordingly, the proposal is considered contrary to Policies DM37 and DM38 of the Rochford District Council, Local Development Framework Development Management Plan, as well as Section 16 of the National Planning Policy Framework (NPPF).

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