



PLANNING APPLICATIONS WEEKLY LIST NO.1760
Week Ending 6th June 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 26th June 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **11th June 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 Approve - 24/00128/FUL - Land Between 38 And 54 Stanley Road Ashingdon pages 2 – 29.
- 2. Recommended Approve - 25/00258/FUL - 17 Hamilton Gardens Hockley pages 30 – 50.
- 3. Recommended Approve - 25/00254/FUL - Land Between Merry Thought And Valentine Cottage Ethelbert Road Ashingdon pages 51 – 79.

Application No:	24/00128/FUL Zoning: Partly Metropolitan Green Belt
Case Officer	Mr Arwel Evans
Parish:	Ashingdon Parish Council
Ward:	Hawkwell East
Location:	Land Between 38 And 54 Stanley Road Ashingdon
Proposal:	Extend existing road and construct 6 No. detached dwellings with parking and landscaping. Form new vehicular access off Stanley Road.

SITE AND PROPOSAL

1. The site comprises an area of land covering approximately 2260m² (0.22ha) and presents as an area which bears evidence of having previously been cleared of vegetation as was noted by the case officer at the time of the officer's site visit. The site forms part of an area which was subject of an outline planning approval many years ago with the majority of the development now established having been subject of Reserved Matters approval subsequent to that outline approval approved in 1975 under planning application No: ROC/209/75/3 which extended to a larger development which now occupies Stanley, Clifton and York Roads. However, this site for reasons unknown to officers was not developed.
2. The information submitted in support of the planning application indicates that the site remained unmaintained for several decades and had become overgrown and unsightly. The planning application confirms that the site has been cleared. At the time of the case officers site visit, the site showed signs of some recovery from more recent clearing in that there was a degree of natural regeneration of the site with vegetation. To the immediate north of the site is an area of natural growth consisting of trees and shrubs which officers consider to form part of a defensible Green Belt boundary as this is a relevant consideration as part of the site is technically within the Metropolitan Green Belt according to the council's Allocation Plan.
3. In its wider context the site forms part of a suburban area comprising of residential properties within Hawkwell to the west of Ashingdon Road. Stanley Road and the neighbouring Clifton and York Road(s) were more intensively developed in the 1980's to provide further living accommodation for the increasing population of Rochford.
4. The residential area comprises several residential streets that, are orientated east-west, linking Ashingdon Road to east with Rectory Avenue to the west. Properties are uniform in layout and siting and, whilst differing in style, follow a consistent but varied palette of styles heights, and scale. The eastern part of Stanley Road is terminated by a

'hammer-head' junction serving the newest part of the development consisting of 11 properties that together form a terminus to the road. The application site is accessed by the north-western spur of the 'hammer-head'.

5. Further to the west, and raised above the site, is a newer development completed in the early 2000's as an extension to Rectory Avenue. This area forms the residential area of Ashingdon Heights. This densely packed residential development adjoins the application site to the west and was granted approval at appeal in 1997. The immediate street scene is made up of detached dwellinghouses, with roofs of traditional pitched form. Many of the surrounding residential sites include garages, with some being detached and others attached, this being dependent on the orientation and siting of the dwellings.
6. The proposed development proposes 6 detached dwellings comprising 5 in number of five bedroomed dwellings (namely plots 1,2,3,4 and 5) and 1 in number four bedroomed dwelling (plot 6). Two dwellings are shown to be located to the left aspect of the central access drive and four dwellings to the right aspect of the drive which has a terminus and turning head at the furthestmost aspect of the site relative to its access from the estate road off which it is accessed. Parking provision is shown to be located mainly to the frontage of the dwellings with capability for the parking of 2 cars within each plot. Amenity space is located to the rear of each property which provides separation from existing dwellings. Foul water connection will be to the main sewer. The frontages of each unit will comprise a combination of hard landscaping to accommodate car parking and soft landscaping.
7. The application is supported by a Bat Survey Declaration Template, a design and Access Statement, Arboricultural Assessment and Tree Protection Plan. At validation the validating officer raised the issue relating to the potential needs for a Phase 1 Ecological Survey. The letter issued pre - validation indicated the following: 'Phase 1 Ecological Report - as site borders/close proximity to woodland, is previously undeveloped vacant land and within 250m of ponds: The site appears to be within 250m of a pond that may be suitable habitat for great crested newts. An ecological appraisal should be submitted unless you intend to enter into the district licensing scheme in respect of great crested newts. Please advise. Further details on when surveys are required for great crested newts can be found <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-developmentprojectswhen-to-ask-for-a-survey>'
8. The agent responded by indicating that the site is predominantly within Risk Zone Green therefore the applicant would be happy to enter into the District Level Licensing scheme (DLL). It is on this basis that the application was validated due to the fact that there are other legislative measures regulated and overseen by Natural England which in this

case is the correct approach to safeguarding European Protected Species.

9. In terms of its location and the relevant consideration of whether the development amounts to sustainable development which is the key test laid out by the National Planning Policy Framework (December 2024); it is noted that the site is well served in relation to public transport with bus stops located on Ashingdon Road. Ashingdon Road also provides shops, pubs and other public amenities, as well as providing access to public parks and recreational areas. Local schools are considered to be within walking distance of the site. The site provides excellent connectivity to the centre of Rochford as well as linking to Ashingdon, Hawkwell and Hockley. Rochford and Hockley train stations are within easy reach which provide direct access to central London.

RELEVANT PLANNING HISTORY

10. The site formed part of the application ROC/209/75 and subsequent detailed planning permissions for the; residential development of land to the west of Stanley Road and Clifton Road.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

13. The planning application refers to the site as both previously derelict land and also previously developed land, whereas it is the case that despite this site benefitting from an historic outline planning permission and a subsequent reserved matters approval, the site was never developed. Although this is material, the development must be assessed against current national and local policy. Part of the site, about half the width of the northern two plots 4 and 5 are within the Metropolitan Green Belt. There are two aspects to consider in terms of whether as a matter of principle the development is acceptable. These are discussed as follows:

Metropolitan Green Belt considerations

14. 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. Paragraph 143 states:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

15. Paragraph 153 of the framework states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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'.
16. Paragraph 154 cites the exceptions where development may be appropriate. It is not considered that the development although it is limited infilling meets exception e) of paragraph 154 which relates to limited infilling within villages. It is true to consider that the site is within a suburban area but it is not within a village as such. However, following publication of the revised Framework in December 2024 consideration also has to be given to whether the site meets the definition of Grey Belt.
17. Grey belt land is defined as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143' of the Framework. Purpose (a) is 'to check the unrestricted sprawl of large built-up areas'; purpose (b) is 'to prevent neighbouring towns merging into one another'; and purpose (d) is 'to preserve the setting and special character of historic towns'.
18. The site and the development of it would not undermine these objectives and as such the site is considered to constitute Grey Belt on the basis that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Rochford District Council's Allocation Plan.

19. The Council does not have a five year supply (4.53 yrs.) of deliverable housing sites and so the second strand of paragraph 155 is met. The site is within a location which is relatively well connected to services and as such it can therefore be concluded that the proposed development would be in a sustainable location. The third limb of Framework paragraph 155 is fulfilled.

The effect of the proposal on the openness of the Green Belt

20. The site is only partly within the Metropolitan Green Belt and is an undeveloped pocket between existing built form. It is considered that the impact of the development proposed is negligible such that in any event its impact cannot be given any weighting in terms of visual or spatial harm to the openness of the Green Belt.

Housing Land Supply

21. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Whilst lack of a five-year supply is a significant material consideration, the proposed development would deliver 6 units of which two would be partly located in the Metropolitan Green Belt. In comparison to large developments which have come forward on allocated sites, the proposal would not deliver the significant amount of new development required. However, 2 units is still a gain and therefore moderate weighting is given to this factor which together with the fact that the development amounts to sustainable development weights in favour of the development.

Design and Character Overview

22. 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, it will have to relate well to the street pattern, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, plots should ordinarily be a minimum 9.25 metres wide, and that there should be a minimum distance of 1 metre between habitable rooms and the plot boundary. SPD2 also requires consideration of site frontage as a useful measure to guard against the overdevelopment of infill sites, requiring a minimum of 9.25 metres for detached properties or that the site has a frontage compatible with the existing character of the area within which they are to be sited.
23. The NPPF (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. The framework 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. The framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine the quality of life and are visually attractive with appropriate landscaping; and further states 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.

24. The greater part of the application proposes an infill development within an area which is characterised by a mixed form of development in terms of styles, material finish and height such that there is no one particular form which prevails. The location is within a residential setting which does not as a matter of location preclude the siting of new dwellings within such setting providing that development can be demonstrated to comply with all relevant planning policies including the provisions and criteria set out by the Council's Local Development Framework's Core Strategy policy CP1 (Design), and the Local Development Plan policies DM1 (Design of New Developments) and DM3 (Infilling and Residential Intensification) together with the Council's Supplementary Planning Document (SPD) 2 relating to House Design which guide the principles of appropriate design in relation to its contextual setting.
25. In the context of its layout, the development is considered consistent with the set back and layouts of other developments within the street and is not inconsistent or incompatible with the layout and pattern of the existing built form within the street scene. The development is shown to have a roof height of approximately 9.6 m. The massing and appearance of the development is befitting to the setting and proposed material finishes are consistent and not at odds with existing built form. As such it is not considered that the development will constitute a discordant visual element within the street scene, the mixed character of which would be preserved.
26. It is considered that the separation distances between the proposed development and adjacent development given their orientation and juxta position are acceptable and despite the concern expressed within representations, there is no policy basis for refusing this planning application as the reasons for doing so could not be sustained at appeal.

Potential Overlooking

27. The Essex Design Guide indicates that residents have a higher expectation of privacy from the private or garden side of the dwelling. A low-density layout should be able to avoid any overlooking, but at normal urban densities (above 20 houses per hectare or eight per

acre) some overlooking is inevitable. Traditionally privacy has dealt with windows mainly located in the rear and front elevations and roofscapes of dwellings. However, consideration of windows in all elevations is important. This was highlighted by the introduction within Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, which has a requirement that upper floor windows located in a side wall or roof slope of a dwelling must be obscure glazed and non-opening to a height of 1.7m above the floor level of the room. This is particularly important when such windows can afford views of private areas of neighbouring properties. The principles laid out by the Essex Design Guide are reflected by Policy DM1 of the Development Management Plan, which states that new developments should avoid overlooking, ensuring privacy, and promoting visual amenity for neighbouring dwellings.

28. There is an established principle that primary windows such as those serving lounges, kitchens and bedrooms are more appropriately located in the principal elevations of the dwelling; and secondary windows, such as those serving bathrooms, en-suites, staircases and landings are more appropriately located on the subordinate elevations, such as flanking side walls of dwellings. Given the relative positions of windows within the rear elevations of all 6 plots which are separated from other built form by private amenity space it is not considered that the occupation of any dwelling would amount to an unacceptable position such that the amenity of any existing dwelling would be demonstrably affected.
29. The properties previously approved at 51 and 53 Ashingdon Heights present a delicate juxtaposition to the scheme and were not built when the original approvals were granted. Separation between the rear of plots 5 and 6 and these two houses has been maintained to a similar level to all other situations in the general locality. Plot 6 has been carefully designed to ensure all fenestration to habitable rooms is orientated away from 53 Ashingdon Heights. Habitable rooms face onto the area of greatest separation, where the rear garden is longest. In this regard 53 Ashingdon Heights benefits from a longer than usual rear garden to mitigate for the future development of the application site.

Loss of Light

30. Planning policy requires that new residential building should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms. If a development is likely to significantly reduce the amount of daylight or sunlight to a habitable room or result in a significant overbearing impact on a neighbouring home, then the planning application is likely to be refused. Given the massing and relative position of the development to neighbouring

properties there will be no significant loss of light to neighbouring properties as a result of this development.

Overbearing Physical Presence

31. The other aspect of the development to consider in the context of residential amenity is the potential overbearing physical impact of development on neighbouring properties which can arise as a result of the proximity and scale of new development to existing properties. On the basis of the heights of the dwellings, it is not considered that the development would amount to an overbearing or an oppressive physical presence to any adjacent properties.
32. In the recommendation (condition 4) Permitted development rights have been withdrawn relating to classes A- E (extensions and outbuildings) to safeguard neighbouring amenity over the lifetime of the development such that any development falling within these classes of development will need planning permission and in the course of this process any impacts by way of the matters discussed above will be assessed in light of the policies current at that time.

33. Access, Parking and Highway Safety

34. Policy DM30 of the Council's 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. Additionally, the Council's adopted Vehicle Parking Standards 'Parking Standards Design and Good Practice' (as updated 2014) SPD contains the parking standards which are expressed as minimum standards for residential development.
35. The 2024 standard categorise sites by way of accessibility and sustainability indicating that it is only in areas of poor connectivity that larger houses require 3 car parking spaces. The area of this site is indicated and categorised as having good connectivity such that 2 car parking spaces per dwelling are considered adequate and it is the case that the new standards have to be read and interpreted in accordance with the text laid out by the more recent 2024 standards. Despite the concerns expressed within the representations received regarding existing parking issues on Stanley Road, this development will constitute a private development served by its own private access way and on plot parking. As a small scheme this development will not exacerbate the existing issue and therefore it is not a reason to find the development unacceptable as this approach could not be sustained on appeal as there is no evidence of where the harm would arise.
36. The development when rounded up to the nearest whole number would require 2 visitor parking spaces, however there is space within

the private road and its terminus is required for this provision or parking at the frontage of each respective property such that the public realm will not be relied upon or affected.

Refuse Storage

37. The Council operates a 3-bin system for refuse and recycling. The council's SPD indicates that rear gardens are an appropriate location for waste receptacle storage with wheelie bins being brought out into the kerb edge for collection. This development accommodates this arrangement and as such the development is considered acceptable.

Garden Amenity Space

38. The Council's Supplementary Planning Guidance SPD 2 (House Design) indicates the requirement for a minimum garden area space to serve new developments. The Essex Design Guide criteria for minimum garden areas has been adapted as a result of changing household sizes. The range of house types now required includes a considerable proportion of small dwellings. The resultant higher densities mean that garden sizes are likely to be below the 100 M² minimum recommended in the Design Guide. The dwelling to plot 1 has a shortfall in garden area of 19 square metres arising largely because of the alternative parking arrangement to the side accessing off Stanley Road. Officers consider the remaining garden area of 89 square metres would nevertheless be of a usable shape. All the specific garden areas to the remaining plots exceed the requirement and the development as such is policy compliant.

Plot No.	House type	Garden area	Garden area required	difference
Plot 1	4 bedroomed	81m ²	100m ²	-19m ²
Plot 2	5 bedroomed	134m ²	100m ²	+34m ²
Plot 3	5 bedroomed	173m ²	100m ²	+73m ²
Plot 4	5 bedroomed	123m ²	100m ²	+23m ²
Plot 5	5 bedroomed	141m ²	100m ²	+41m ²
Plot 6	4 bedroomed	169m ²	100m ²	+69m ²

Technical Housing Standards: Overview

39. New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards which sets out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Five of the dwellings amount to 5 bedroomed 8 person units which would require a gross internal floor area of 128m². All units exceed this standard. The requisite storage is 3.5 m² which is provided in each unit. The 4 bedroomed property amounts to a

4 bedroomed 8 person (maximum) property which requires a gross floor space of 124 m2 which is met. The storage provision requirement is 3.0 which is also met.

Ecology

40. Paragraphs 192 – 199 of the framework indicate the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur, appropriate mitigation is required 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.
41. It is acknowledged that the site has been cleared prior to the submission of the planning application. The reference within representations to badgers, foxes, reptiles and other wildlife is noted. The site in this respect will attract transient activity however there is no evidence that the site is occupied by species which if found during the course of development can be dealt with by way of the licensing and regulatory regime regulated by Natural England such that where amphibians are also concerned there are safeguards under other legislation.

Ecology and RAMS Mitigation

42. The proposal would constitute a gain of 6 units within the district. The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site and the proposed development falls within the scope of the RAMS as relevant development. Given that the proposal is for additional housing, and its proximity to the SPA there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a likely significant effect on the European Site.
43. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The likely significant effects arising from the proposal need

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

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

Trees

45. Policy DM25 of the Council's Development Management Plan 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.

46. 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."
47. An Arboricultural Assessment has been provided and subject of consultation with the council's Arboricultural Officer. Information provided by the officer indicates that the site was cleared around 18 months / 2 years ago. At that time all sizeable trees were removed. The site is undergoing secondary succession with a proliferation of blackthorn suckers throughout the site, all regeneration is to be removed to facilitate construction of the proposal. Toward the north eastern corner of the site is 1 early mature Oak (T1) and a group of 3rd party Monterey Cypress (G2), the trees are of reasonable value and shown to be retained. Along the northern boundary are a group of ash, sycamore, willow and maple (G1), they are young specimens closely rooted with limited growing room and limited lateral growth as a result. These trees are shown to be removed.

48. A suitable tree protection plan and method statement is provided to demonstrate how trees T1 and G2 are to be protected during the construction phase of development. The tree protection plan and method statements should form part of the approved documents and are to be implemented as part of the construction phase of development.
49. Correspondence received during the application process from the Forestry Commission reveals that trees have been cut down on site and this has by all evidence taken place prior to the submission of the planning application. When the case officer visited the site it was clear that the area in question had been subject to clearance of vegetation including naturally regenerating trees and shrubs as there were remnants of such around the site edges. The Forestry Commission have issued a restocking notice on the land owner as it has no reason to consider why the felled area should not be restocked. The primary purpose of serving a Restocking Notice is to replace what was lost.
50. The advice received from the Forestry Commission is that the restocking map and its precise design does not form part of a legally binding obligation on the land until the Restocking Notice is served. However, it was highlighted that subsequent planning permission, if granted, will not override the requirements of the Restocking Notice. In summary the effect of the restocking notice which lies outside the regulatory remit of the council is that a planning permission could not be implemented until issues around the stocking notice are resolved by way of an appeal or by negotiation with the Forestry Commission. The basis for the above is found in caselaw: *Arnold White Estates Ltd v Forestry Commission* [2022] EWCA Civ 1304.
51. In commentary, officers advise that The Forestry Commission under their regulatory remit have issued a restocking notice to the landowner although on site of that re stocking notice it does not appear to be specific in setting out what trees have been lost in terms of age and maturity, species type such that it does not appear that the Forestry can pinpoint what has been lost.
52. Although the land owner will need to comply with the requirements of the restocking notice, this is a matter which lies outside the regulatory remit of the Local Planning Authority and it is not a reason in itself to withhold planning permission. For the Local Planning Authority to arrive at a position that the clearance of trees prior to the submission of a planning application amounted to a reason to refuse a planning application the council would need evidence of what trees existed, their age and maturity, species type and in particular their contribution individually or collectively to the amenity of the area. The council does not have such evidence and in the absence of those trees being subject of a Tree Preservation Order the council would have had no part to play or control over the loss of these trees.

53. The lack of evidence in terms of what has been lost, if the council refused the application would amount to a position that the council could not defend at planning appeal and therefore the loss of trees from the site prior to the submission of the planning application does not amount to a material planning consideration capable of being relied on to find a development unacceptable. As far as the re - stocking notice is concerned the land owner will be aware that until this matter is resolved one way or the other with the Forestry Commission this matter will stand in the way of the land owner being able to implement the planning permission.

Biodiversity Net Gain

54. 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.
55. The application form indicates that the development constitutes a Temporary exemption for non-major developments (small sites exemption) and this has been accepted by the validating officer.

Third Party Representations.

56. The representations received have been taken into account. The council fundamentally has to consider whether a development is policy compliant and the weight of objection based on personal opinion is never a reason in itself to find a development proposal unacceptable. Decisions are based on the provisions of national policy and the Local Development Plan which this proposed development complies with.
57. Much is stated regarding parking and over development, ecology and access on foot through a part of this site and the development not being consistent with its context. There is no Right Of Way affected as if this were the case this would have been identified at the validation stage. In any event the grant of planning permission does not confer a right to develop a site without addressing other matters under the appropriate regulatory regime. The Framework indicates that sustainable development should be approved without delay. Although it is acknowledged that there has been a delay in the determination of this application due to circumstances including clarity in the position from the Forestry Commission, the development amounts to policy compliant development that subject to the recommended conditions should be approved.

Equalities and Diversity Implications

58. 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.

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

There are no implications arising in this regard.

CONSULTATIONS AND REPRESENTATIONS

59. Ashingdon Parish Council: Objection.

Loss of trees with potential TPO. Existence of wildlife/plants. Parking could be a hazard, vehicles will not have room to turn. The area of development backing onto The Chase, appears to encroach on Metropolitan Green Belt.

60. Anglian Water: No objection.

London Southend Airport: No safeguarding objections.

61. Rochford District Council Arboricultural Officer: Recommends conditioning the development to the details of the Arboricultural Report and Tree Protection Plan.

62. Essex Police: No objection.

Neighbour representations:

28 letters have been received from the following addresses:

Albert Road: 32a.

Alexandra Road: 42.

Ashingdon Heights: 12, 51, 53.

Ashingdon Road: 563, 577.

Fambridge Road: "Onosra"

The Chase: "Rouncefall" "Ferndale" "Wychwater".

Stanley Road: 6, 30a, 33, 36b, 39a, 47, 51, 54, 55, 56, 59, 61, 65.

Princes Gardens: 109 (2 letters).

Westminster Drive: 41 (2 letters)

And which in the main make the following comments and objections (summarised);

- Apart from repeating statements this is a habitat for wildlife - therefore it is supposed to be unmaintained overgrown and unmanaged. It may appear unsightly now as the developer has deliberately removed all the trees. The last time trees were removed by the developer, this included some within the general Woodland TPO. It never has been unsightly. Is the rewilding by the district council on Kings Georges field unsightly? unsafe- there is no proof that this area is unsafe. No incidents have ever been reported. If living near an undeveloped area is unsafe surely these houses should not be built near green belt land and is the rewilding in King Georges field unsafe and is there any evidence that it poses security issues? creates a negative space that has a detrimental effect on the neighbouring properties. Has a consultation/opinion poll been conducted with the neighbours to determine whether this is accurate or is it just an opinion. Compromises security - another unfounded statement. I have lived here for 30years and there has never been any security issue.
- Not providing a well-used footpath to The Chase. A footpath has been used by the locals for over 30 years to access the woods at the top of The Chase and to walk over to Greensward Lane from Stanley Road. This is not being replaced in the plans. Many schoolchildren use this route to get to and from school. 4.Car parking insufficient .There is only provision for 2 cars per dwelling. This is insufficient for the size of dwellings particularly as garages are assumed to be used for a car and very few households use the garage for a car. If the planning committee walks along Stanley Road in the evening and weekends they will see most families have at least 2 cars if not 3 or 4.
- Many cars are already parked on the pavement creating hazards for pedestrians and there is certainly insufficient space for more on street parking as the developers have indicated that there will be a turning point at the end of the road. 5 Mix of dwellings not in keeping with development at the top of Stanley Road. This is another anomaly for this development. It is entirely made up of 4/5 bed dwellings. The original planning permission was for bungalows but also the mix of the 11 homes built were bungalows, 3 and 4 bed houses with several having car parking for up to 6 cars thereby not creating the need to park on the road. If the planning committee decide this development should go ahead the plans should be changed to include at least one bungalow for the elderly, and one affordable home to enable a mixture of families in the community. Fewer houses should also be considered to enable more off street parking. Finally, a footpath to access The Chase from Stanley Road is required.
- Our concerns for these plans if passed. Our property which is situated in the chase a private and unadopted Lane is opposite to the piece of

green belt land at the back of the proposed building site. The green belt land we understand is owned by the applicant. When the houses were built on what is now known as Ashingdon Heights the houses which backed onto the chase a piece of land known as no man's land was placed between the lane and their back fences. So no houses could move their fences or place gates in their fences to gain access to The Chase. However, over the years this has been ignored and residents in Ashingdon Heights have moved their fences and placed gates in their fences. Rochford council is aware of these issues which have been ongoing for many years and as yet not resolved. If this development was passed what insurances would the council put in place so this would not happen on this site with residents gaining access to The Chase from the green belt piece of land. One of the conditions if agreed would be the developer having to put A 2 metre acoustic fence to be installed around all the boundaries and No gates permitted to be placed in the fence so no access to The Chase.

- Our objection refers to Plot 1 and 2, this will compromise on our privacy by having skylights in the roofing area, they would be able to look straight down on us. The road is too narrow to allow us to safely park outside of our house, therefore the road would need to be widened for safety reasons. Where will the building site entrance be? Hopefully, NOT outside our house! Will they board up and around the site to stop as much mess and dirt on our street? Where will the tradesmen park? Hopefully, not on the street but on the site! Years ago it was agreed that 5 BUNGALOWS would be built on this site, now however, it's 6 TOWNHOUSES (Massive Difference) to surrounding properties. Therefore we ask if Plot 1 and 2 could be altered to Bungalows? Our house Number 54 and neighbour in 56 appear to be the houses that will be most affected by dirt, dust and debris also our normal parking will be affected? You should also remember that the land owner originally broke the rules by wrongly cutting the trees down and flattening the area, destroying the environment for the wildlife, which had lived there safely for many years. This was done WITHOUT AUTHORITY. Some of this wildlife should have been protected i.e. Badgers and ~Bats. This really doesn't promote confidence. 3 years ago we sustained damage to our side fencing due to overgrown bushes and roots, resulting in our to gravel boards and fencing needing replacement. We had a solicitor look into the owner of the land to make a claim for us to replace gravel boards, fencing and cut back and clear roots.
- I object to the loss of the footpath between the two roads, it provides vital pedestrian access to other adjoining footpaths which would significantly increase journey times for pedestrians looking to travel to Greensward Lane from this area. It is also a significant loss of habitat area for local wildlife.
- I object to the planning of the 6 houses due to the noise and disturbance of the work. Overcrowding of the properties. Making the

road even busier with cars. Elimination of the path way through to the chase. Demolition of wildlife.

- There is no parking at the end of Stanley Road already, as well as residents cars we get cars from Ashingdon Heights parking in Stanley Road because the parking is inadequate there also !
- As a member of the Essex Badger Protection Group I am amazed that there has been no Ecological report submitted for this particular site. I know there are several badger setts within a 2km radius of the site and could well use this scrubland area for foraging. Also there are no mitigation directives in place to prevent any type of wildlife from being trapped while the building work will be ongoing. Much will have changed since the original application for the existing properties were built in 1975 and more wildlife will have returned since that time. May I strongly recommend that a survey is carried out before any Planning Application can even be considered.
- This is a poor decision, parking terrible as it is and you know full well 2 places for each house is not adequate, loss of wildlife and the fact there is a path way that has been used for over 50 years there, even down my end of the road we have swallows, owls, seen some bats, and slow worms.
- This area is already being over populated with the Bloor homes down the road. This will add too much further congestion to the area in traffic and increase GP and school demand which is already struggling. Additionally, there is lots of wildlife in that area and this will disrupt them and the balance in nature. I object to this building application as a resident who lives close to the proposal area.
- I have no objection to the 4 houses closest to Stanley Road however the proposed 2 houses furthest away would be built on green belt land. I have an email from Julie Marcsik sent to me on 14/2/23 confirming that the green belt land starts at my back fence and the council would not consider any houses being built on it. There is a large swathe of green belt running along both sides of The Chase. Surely if the council allowed these houses to be built it could set a precedent for the rest of this land to be built on. In my opinion this could have a massive detrimental effect on the local area and wildlife. The council have always been very strict about what can and can't be built on the green belt and the majority of properties are bungalows so to allow two 3 storey houses would be completely against any previous planning allowed.
- The end of this road is already full of parked cars on both sides of the road making it difficult to pull on and off driveways. The walk through to the chase is used by many and has been for many years. There is a lot of wildlife which lives in this woodland.

- I am a long standing resident of The Chase, of over sixty years, and my family have resided here since 1958. As a family we have always valued the nature and wildlife within the vicinity of our family home. The Chase has natural ancient hedgerows on both sides and several of the trees have TPO's in place. These environmental protection measures were put in place when the Ashingdon Heights development was built on the previous farmland adjacent to our home in the early 2000's. The proposed town houses (3 storeys) are taller than the existing houses in the vicinity both at Ashingdon Heights and in Stanley Road, and therefore would reduce light levels and privacy for existing residents if this development is permitted to proceed. With regards to the path between The Chase and the top of Stanley Road, I have known this to be in existence for over fifty years. Myself and other members of my family including my late mother, father, my siblings, aunt, late uncle and cousin used it to visit my late grandparents at 36 Stanley Road and my aunt, uncle and cousin at 10 Stanley Road. My aunt used to keep her horses near our house and used this path on a daily basis. The path was used as a short cut as The Chase was previously an unmade road that was often muddy in Winter. More recently my late mother often used to walk to the village shops via this path accompanied by her dog and her carers. I have also recently used the path when due to breaking my wrist I was not driving and needed to catch the bus. During recent road works by Cadent gas in The Chase it was also necessary for me to park my car in Stanley Road and walk home via this path. It is my belief that this path has been in existence long enough to be considered for official adoption. If this development is permitted to go ahead this path and the surrounding natural vegetation will be lost. Land either side of The Chase is classified as Green Belt. Two of the proposed houses would encroach on this protected land and could potentially set an important precedent allowing further development of this area in the future. For all of the above reasons I object to this proposed development which I consider to be inappropriate in this area.
- I object to this development on the following grounds:- 1) There is a loss of habitat and there has not been any ecology survey to check for protected species under the Habitat Regulations. 2) The site is overdeveloped with insufficient carparking for the size of houses proposed. There is insufficient provision of vehicular access both during the development of the site and for ongoing deliveries going forward. 3. There is no provision of a footpath from Stanley Road through to the Public Footpath network in the Chase. I personally have used this route since moving to Ashingdon Heights over 22 years ago. It is used daily by school children to access schools in Hockley and is a much safer route than using the public road network. It can therefore be easily established that there has been uninterrupted use as of right by the public (not necessarily the same people all the time) over a period of 20 years. The route is a prescribed right of way and should therefore be maintained as such.

- 6 townhouses on this piece of land is excessive. There is not enough parking at this end of the road as it is and by looking at the plans, not enough parking has been allocated per house. Reduce the number of houses. The unofficial footpath has been there years - this is a lovely footpath/cut through for dog walkers and a safe space for our children to walk through to the woods. Since the cutting down of the trees, we have seen an increase in wildlife roaming the street and in our gardens. Finally, a big concern would be the construction vehicles/access to this site. Do we really need these houses when there are hundreds currently being built less than a mile down the road?
- If this application goes ahead parking is going to be a big issue for the current residents as the residents from the new buildings will undoubtedly start to park anywhere they can when spaces are not available. There are also some trees on this piece of land too that are protected by Tree Preservation Orders which have waylaid previous planning applications., not to mention uprooting the wildlife that have nested here. So based on these terms I strongly object to this planning application going ahead.
- We have a substation at the base of our garden. Will this serve the additional properties or will a larger one be put in as we would strongly object to the increased noise and structure.?
- Given the plan is to extend the size of the Cul - de - sac there will be an obvious increase in traffic, parking, delivery vehicles etc. plus visitor parking. Is there a reason why the entrance to the properties is not from The Chase?
- What is the proposed timescale from start to completion as construction workers parking will impact of current residents?
- Who will be responsible for the sediment dust which will be inevitable in what is a very confined area?
- Should this planning go ahead can you please confirm the working construction days and times.
- We have lived at our home for seven years, we have seen a big increase in the number of people using the top of the road to park. We have seen many people park their vehicles at the top of the hammer head, then walk through to Ashingdon Heights and their cars don't move for several days. This is very frustrating. Residents of the hammer head are already facing problems with parking. With the addition of 6 new big homes and all the extra cars where will they be parking? During the building process, where will the workers be parking, as parking is already limited? We have had delivery lorries having problems with manoeuvring within the hammer Head, due to the layout of the road that is being made worse by the additional cars. We also know that there is a foot path that many use to get to and from

school and work. Will the pathway be closed? Will an alternative route be made available? What measures are going to be taken to make sure that wildlife is looked after, as we know there are foxes living there?

- We strongly object to six properties being built on the land between 38 and 54 Stanley Road, Ashingdon. Friday evening, 26th April 2024 a yellow planning application was displayed on a lamp post making people aware of the planning application, please can you explain why the date on this document contradicts the information that is given on the Rochford District Council website? On the website it states that the overall expiry date is 29th April 2024 and yet the public notice states 21 days from the date of the document. 1. Plots 1 and 2. Our privacy and our neighbours privacy will be compromised with the sky lights in the roof. The new owners will be able to look down into our bedrooms. Also, will this lead to future planning permission from the owner to replace the skylight with Dormers 2. Parking. Having lived in our home for thirty years, there has been a huge increase of vehicles in Stanley Road. At the other end of the hammer head there are six properties and as a direct result of the layout of the road, homeowners have had huge issues with parking and delivery vehicles (examples of this include: food delivery vehicles, Amazon deliveries and larger vehicles delivering white goods) being unable to turn around. These vehicles have no other choice but to reverse back, which is extremely dangerous and hazardous. Along with the increase of more properties and vehicles on this road, it will increase the level of danger to pedestrians as they walk through from Ashingdon Heights. We are already facing parking problems, as residents that live in Ashingdon Heights are parking their vehicles in the hammer head. The number of cars per home has also increased as a direct result of today's economy, this has led to many of the young adults being unable to move from their parents home. With insufficient parking at each of the properties, where will the homeowners park their cars? By looking at the plans the parking is extremely limited. As these are four- and five-bedroom homes, they may have three or four vehicles each. Where will all these vehicles be parked?
- I would like to oppose this planning application on the grounds that there are too many houses being built in an areas of already overcrowding, i.e. Bloor homes development for one. The area and infrastructure cannot sustain any more houses or vehicles. As well as that reason also there is a look at the countryside and damage to wildlife in the area, not to Mention rules with regards to a right of passage that is well over 20 years old. Also I heard that the company that felled the trees the previous year didn't have a licence to that work, I would like your feedback on that please the house building in this area has to stop.
- I really hope this development will not be approved. I often walk around this area and love how peaceful it is around here. I often walk around

these public footpaths that have-not changed in years. I worry about the local as of habitat for the wildlife and why should every square inch be developed. I strong disagree with this development and urge that it is refused.

- It has come to our attention after speaking to neighbours in The Chase. That the last two properties nearest to The Chase. Will be built in green belt. If this is passed with these two properties it will set a presence to the residents of The Chase who properties are in green belt to apply for planning to build on their land. Please note with regards the foot path there was never a public footpath from Stanley Road to The Chase. It was a short cut for kids going to school and dog walkers forged by people cutting back hedgerow trespassing on private green belt land.
- Ecological survey. The site was providing a valuable area of wildlife habitat and was cleared illegally with no ecological survey taking place. It is likely that prior to the illegal clearance of the site, the site would have had a high biodiversity value. Since April 2024 small sites have to provide a 10% improvement in Biodiversity Net Gain. The Governments guidance notes that if a developer clears or cuts down trees on the site, they must make up for this impact on the habitat, as well as delivering 10% BNG. The application does not include an ecological assessment, nor does it include provision to deliver a biodiversity net gain taking into account the substantial loss incurred when the site was cleared. The Design and Access Statement includes images which clearly show the site prior to the illegal clearance, the area included a range of native species including oak, silver birch, horse chestnut, blackthorn and hawthorn, which are represented in the remaining Green Belt area. In clearing the land prior to the planning application, the developer has acted inappropriately to purposefully avoid meeting its planning and environmental obligations. Suitable compensation needs to be provided as part of the development. Over development.
- The planning application is based on a previous application for 6 dwellings dated 1975, these dwellings are considerably smaller than the 4/5-bedroom houses described in this application, the second issue with relying on an application from 1975, is that the site is now significantly smaller than in 1975 due to the construction of houses 51 and 53 Ashingdon Heights, under a later planning application. This is over development of the site. Buffer zone Although there is a buffer zone shown between number 38 Stanley Road and the proposed development and between 54 Stanley Road and the proposed development, there is no such buffer zone shown between the existing properties at 51 and 53 Ashingdon Heights and the proposed development. Proximity There is only 12 feet between the back of the house on Plot 6 and rear fence of number 53 Ashingdon Heights, this is far too close and will overshadow their garden and invade their privacy. suitable buffer should be provided between the proposed buildings and the existing fence line. Parking The proposed dwellings being large 4/5-

bedroom homes have only two parking spaces per home. Four of the houses have only one parking space shown, the other being in a garage. Realistically people do not use their garages for parking, therefore this is insufficient parking for the size of the homes proposed and there will be no additional on street parking available.

- Walking distances It is not possible to walk to a Rochford railway station in 15 minutes. The Station is c.2.3miles from the site and with an average walking speed of 3mph this means the station is over a 45 minute walk, this is incorrect and should be reviewed. We would also note that if the proposed houses are constructed, a walking route used by local people for many years between Stanley Road and The Chase which also provides access to a local Public Right of Way will be obstructed. Provision should be included in the development for this route to be maintained. Archaeological survey There should be an archaeological survey conducted as the land is only about 500 yards from the probable site of the battle of Ashingdon fought in 1016.
- The area to be developed holds a great deal of wildlife including foxes ,badgers, muntjac deer, fallow deer,, lizards slow worms and grey squirrels to name a few. It also has a variety of plant life including silver birch, oak, blackthorn, horse chestnut and hawthorn. This area was illegally cleared on 10th February 2023, planning is based on an application from 1975 that was for much smaller dwellings and the site is now considerably smaller due to construction of 51 and 53 Ashingdon Heights, there is no mention of a buffer zone between 51and53 Ashingdon Heights and the proposed development where as there is for the other side of the development and these houses are at a greater distance from the existing houses. There is 12 feet between the back of the house on plot 6 and my rear fence which will overshadow my garden and invade my privacy not only in the garden but also the house. These houses are 5/6 bed and do not have enough parking provided for them. There is a well used footpath that will be removed, this development is not in the walking distance that is stated on the plans to the Rail station, there should be an Archaeological survey of the land as it is only around 500 yards from the probable site of the battle of Ashingdon fought in 1016 and may hold many items of significance and value.
- This area is a natural wildlife area and has had a public right of way for tens of years. Established trees have already been removed which may have had preservation orders on them with no respect to the wildlife or neighbours. This is a quiet part of a no through road and the development will bring many more people into the road travelling to and from the properties once built. There is currently very limited parking spaces in this part of the road so building properties of this size with only two parking spaces will only cause further problems and congestion. The noise, disruption, dust etc created by the build process will cause major disturbance to neighbouring houses and will again cause major congestion with builders cars, vans, lorries and deliveries

etc. The properties proposed are not in keeping with the style of other properties on the road and will look out of place and intrusive.

- I would like to oppose the above planning application under the following points There is an existing footpath through the land as a short cut to The Chase, this has been in use for well over 30 years and i feel should be made a permanent public footpath. It is used daily by a lot of people. This will be a very big loss to the community if it is taken away. The area was cleared last year removing a lot of very mature trees which i feel should of had a tree protection order in place. This shows the neglect that the land developer is willing to take. These Trees can be seen on the photos under the Design and Access statement which was obviously taken before the felling. The proposed new large properties will add to a heavily congested road and will only add to parking issues which are already majorly prevalent at weekends.
- I feel that this area of land is not suitable for development. It is currently a wildlife refuge and also acts as a path to the Chase. I do not feel that it should be built on. I object to this application.
- I believe this to be an over development of the site. However my main concern is the loss of the walk way between The Chase and Stanley Road which is well used by local residents and provides a safe route for walkers and children, allowing them to avoid the narrow path on Ashington Hill. I personally have been using the route for over 15 years.
- This area is already being over populated with the Bloor homes down the road. This will add too much further congestion to the area in traffic and increase GP and school demand which is already struggling. Additionally there is lots of wildlife in that area and this will disrupt them and the balance in nature. I object to this building application as a resident who lives close to the proposal area
- I object to the planning of the 6 houses due to the noise and disturbance of the work. Over crowding of the properties. Making the road even busier with cars. Elimination of the path way through to the chase. Demolition of wildlife.
- I object to the loss of the footpath between the two roads, it provides vital pedestrian access to other adjoining footpaths which would significantly increase journey times for pedestrians looking to travel to greensward lane from this area. It is also a significant loss of habitat area for local wildlife.
- I would like to ask if it could be a condition that all contractors vehicles be parked off road when working on the site.
- We strongly object to Plots 1 and 2, we feel that these two properties would be better being Bungalows as agreed years ago. They have

requested planning for all 6 houses to be Town houses, 3 stories with Sky light windows in roof. If this goes ahead it would compromise our privacy. The road would need widened for safety and for us to park outside our house as we usually do. Will the road be widened to allow cars to go two ways safely? Where will the site entrance be (hopefully, NOT OUTSIDE OUR HOUSE)? We are worried about all the dust, dirt and debris, we pay high rates for living here and it certainly will NOT be a pleasure living here whilst these properties are under construction. Will the construction site be boarded around to try and keep dust, dirt and debris under some sort of control? Where will the construction workers park? On site is preferable, parking is already a problem here..

- Our concerns for these plans if passed. Our property which is situated in the chase a private and unadopted Lane is opposite to the piece of green belt land at the back of the proposed building site. The green belt land we understand is owned by the applicant. When the houses were built on what is now known as Ashingdon heights the houses which backed onto the chase a piece of land known as no man's land was placed between the lane and their back fences. So no houses could move their fences or place gates in their fences to gain access to the chase. However over the years this has been ignored and residents in Ashingdon heights have moved their fences and placed gates in their fences. Rochford council is aware of these issues which have been ongoing for many years and as yet not resolved. If this development was passed what insurances would the council put in place so this would not happen on this site with residents gaining access to the chase from the green belt piece of land. One of the conditions if agreed would be the developer having to put A 2 meter acoustic fence to be installed around all the boundaries and No gates permitted to be placed in the fence so no access to the chase.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

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

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

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

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

The Essex Design Guide.

Natural England Standing Advice.

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014.

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 County Planning Act 1990 as amended by Section 51 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be undertaken in strict accordance with the details of the approved plans reference: Dwg. 01 rev C: Site Development Plot 1, Dwg. 010 Rev D: Site Development Site Layout Plan, Dwg. 020: Site Sections C-C, Dwg. 019 Site Development M4(2) Plan, Dwg. 015: Site Development M4 (2) Plan, Dwg. 017: Site Development Block Plan, Dwg. 016: Location Plan, Dwg. 015 Street Scene Rev B, Dwg. 014 Rev C Site Development Plot 6, Dwg. 013 Rev C Site development Plots 4 &5, Dwg. 012 Rev C Site Development Plot 2 & 3.

REASONS: In the interests of clarity to ensure that the development is undertaken in accordance with the approved plans.

3. Prior to the construction of any buildings on the site details of the specification and finish of all external materials to be incorporated into the development on all external finishes shall be submitted to the Local Planning Authority for its written approval. These details shall include details of all wall elevation treatment and finishes including brickwork (specific colour, blend and texture) and external cladding, (including its colour, finish and texture), details of all roofing materials, details of all windows and frame casing, doors, fascia's, bargeboards, soffits and all rainwater goods including guttering, hoppers and downspouts. The development shall be implemented in accordance with the details as may be approved and permanently maintained as such thereafter.

REASON: To ensure a satisfactory appearance in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1.

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that

Order, with or without modification) following first implementation no extensions, porches or alterations of any kind including the insertion of any window openings or the creation of balconies shall be implemented within the development hereby permitted, nor ancillary buildings erected anywhere within the respective curtilage(s) of the properties without the prior permission in writing of the Local Planning Authority.

REASON: In order that the Local Planning Authority retains control over future development at the site given the limitations of the plot and the depth of the dwellings approved and the relationship to adjoining dwellings, in the interest of visual and residential amenity in accordance with Policy DM1 of the Council's Local Development Framework's Development Management Plan.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the council's Local Development Framework's Development Management Plan.

6. Prior to the first occupation of the development approved 1 Electric Vehicle (EV) charging unit 3-7kW shall be installed and fully operational for each dwelling. This provision or an equivalent replacement / or as may be upgraded in future shall be retained in perpetuity over the lifetime of the use.

REASON: To future proof the development and to ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of the Core Strategy, Chapters 9 and 12 of the National Planning Policy Framework (2024) and the provisions of the Essex Design Guide and to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable in accordance with the provisions of the Essex Parking Standards 2024 in the interests of sustainability.

7. Prior to first occupation of the development, two off-street parking spaces shall be provided for each dwelling, as shown on the approved site layout plan. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM1 and DM30 of Rochford District Council's Development Management Plan.

8. During the construction of the development all materials will be unloaded and stored within the site and clear of any part of the adopted county Highway at Stanley Road including any pedestrian footway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 and DM30 of Rochford District Council's Development Management Plan.

9. 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 will be required.

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

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

11. 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 submitted to and agreed in writing by the Local Planning Authority. The landscaping details as may be agreed shall be implemented in their 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. The development shall be undertaken in accordance with the approved landscaping details.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

12. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities.

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

13. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to the Local Planning Authority for its written approval. The development shall subsequently be undertaken in accordance with the approved details.

REASONS: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment in compliance with the principles laid out by Rochford District Council's Local Development Framework's Core Strategy Policy ENV 4 Sustainable Drainage.

14. Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as approved.

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

15. The development shall be undertaken in accordance with the details and recommendations of the Arboricultural Report, and associated Tree Protection Plan dated 4th of April 2024 submitted in support of the application.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

The local Ward Members for the above application are Cllr. Mike Webb, Cllr. Mrs. D. P. Squires-Coleman and Cllr. E. O. Mason.

Application No :	25/00258/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley And Ashingdon
Location :	17 Hamilton Gardens Hockley Essex
Proposal :	The use of a 4-bedroom C3 dwellinghouse as an Ofsted registered children's care home(C2) pursuant to the Children's Home Regulations 2015 and Care Standards Act 2000, for three children receiving care by up to two carers on a shift pattern basis

SITE AND PROPOSAL

1. The application relates to a two-storey detached dwelling featuring a mock Tudor design with a clay tile roof, located on the western side of Hamilton Gardens. The property occupies a relatively generous plot, with off-street parking provided to the front and a private rear garden offering amenity space. It is flanked to the north and south by other residential properties, while the rear boundary adjoins the gardens of neighbouring dwellings. The surrounding area is predominantly residential in character and lies entirely within the defined residential envelope of Hockley.
2. The proposal is for the change of use of a 4-bedroomed C3 dwellinghouse as an Ofsted registered children's care home(C2) pursuant to the Children's Home Regulations 2015 and Care Standards Act 2000, for three children receiving care by up to two carers on a shift pattern basis at 17 Hamilton Gardens, Hockley.

RELEVANT PLANNING HISTORY

3. Application No. 85/00737/FUL – Pitched Roofs over Existing Flat Roofed Garage and Front Dormer – Approved - 03.12.1985.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

6. As previously mentioned, this application seeks full planning permission for the change of use of No. 17 Hamilton Gardens, Hockley, which is currently a conventional detached residential property (C3) to a C2 use. In planning terms, a C2 use class designates residential institutions where care and accommodation are provided to people who need it. This includes hospitals, nursing homes, residential care homes, boarding schools, and training centres. Essentially, a C2 use is for residential facilities where care and support are a key part of the accommodation.
7. More specifically in relation to this application, the applicant proposes the change of use to a residential children's home (Use Class C2) providing care and accommodation for up to three children aged between 8 and 18 years of age, supported by 6 core staff members in 3 teams of 2. The site is currently in use as a residential dwellinghouse (C3), and the change of use represents a material shift in character requiring formal planning permission.
8. Under the National Planning Policy Framework (NPPF) 2024, Paragraph 63 directs local planning authorities to address the housing needs of specific groups, explicitly including children requiring specialist accommodation. This aligns with the government's broader commitment to supporting looked-after children through policy that encourages access to stable, safe, and appropriate homes, particularly those situated near children's existing communities, schools, and support networks.
9. The NPPF is clear that the planning system should not place undue barriers on the delivery of such accommodation. In a written ministerial statement (May 2023), the government reinforced that the accommodation needs of looked-after children should be proactively supported through local planning processes, with a presumption in favour of development where a local need exists, and the proposal is otherwise sustainable.
10. The proposed children's home would provide specialist care for vulnerable children, a group often underrepresented in housing delivery. National evidence and local commissioning data (see below) indicate an ongoing shortfall in high-quality residential placements for children in care, particularly in familiar and inclusive community settings.
11. From a land use perspective, residential children's homes fall under Use Class C2, covering residential institutions, which may be appropriate within residential areas, subject to consideration of amenity, scale, and character. The intensity of use must be assessed in terms of operational impact rather than simply the number of residents. In this case, the number of children and staff proposed is

comparable to a large family household or small residential care home, and the activity generated is not considered, in principle, to result in an inherently incompatible use.

12. As no specific development management plan policies restrict or guide the delivery of children's homes, the proposal must be judged on its planning merits, particularly in relation to impacts on residential amenity, character, highways, and community integration—each of which is addressed in subsequent sections of this report. Nevertheless, in general terms local planning policy, typically support the provision of community and social infrastructure, including specialist housing and care facilities. These policies emphasise the need to create inclusive, mixed communities that support the needs of all residents, including those with additional support requirements. The proposal contributes to this objective by meeting a specific, identified social need.
13. It is acknowledged that proposals for children's homes can sometimes give rise to local concern regarding residential amenity, perceived safety, and integration into the surrounding community. However, planning decisions must be grounded in material land use considerations, not generalized perceptions or assumptions about the behaviour of future occupants. There is no planning basis to resist this development on those grounds in principle, and such matters are better assessed through detailed consideration of operational management plans, staff presence, supervision, and design.
14. In summary, the principle of the proposed development is considered acceptable and in accordance with Paragraph 63 of the NPPF 2024 and relevant local policies. The proposal meets an identified social and housing need and supports national objectives around inclusive communities and positive outcomes for looked-after children. The development is therefore supported in principle, subject to detailed matters addressed in the sections below.

Use of the Building

15. In the supporting statement accompanying the application, the applicant confirms the following:
16. The proposed home will accommodate up to three young people (ages 8–18) with 24-hour care, 365 days a year. The home will be staffed by a team of six core residential support workers operating in three teams of two on a rolling rota (8am–8pm & 8pm–8am), including sleep-in and waking night shifts. An emergency on-call system will also be in place.
17. The staffing structure will include a Registered Manager (RM) based on-site, supervised by an Operations Manager (OM) who oversees other children's homes in Essex. A designated staff office will be provided within the property. The RM will manage day-to-day operations, ensuring children's needs are met, safety is maintained,

and records are kept up to date. The OM will liaise with external agencies and oversee complaint resolution and staff supervision.

18. Monthly staff supervisions and appraisals will support continuous professional development and performance. Support workers will deliver care based on individual support plans, carry out key work sessions, compile regular reports, and attend relevant appointments and meetings with or on behalf of the children.
19. Meetings and visits will include:
 - Social worker: every 6 weeks
 - LAC nurse: annually
 - Independent Reviewing Officer & social worker (LAC review): every 6 months (may be virtual)
 - Other professionals (e.g., police): as needed
 - Family visits: subject to social worker approval and risk assessment
20. Most visits will occur on-site, with flexibility for virtual or off-site meetings when required.

Need

21. Given the nature and location of the proposal, the case officer considered it appropriate to seek the views of Essex County Council's Children's Social Care (CSC). In response, CSC expressed clear support for the application, highlighting its alignment with Essex County Council's statutory sufficiency duty under Section 22G of the Children Act 1989. This duty requires local authorities to ensure, as far as is reasonably practicable, that sufficient accommodation is available to meet the needs of children in care within their local area.
22. The proposed development contributes positively to the objectives set out in the Children and Families Sufficiency Strategy 2023–2026, which seeks to increase local residential provision—particularly in areas where existing provision is limited. Rochford currently has one of the lowest rates of children in care in Essex (11.7 per 10,000), and there is a recognised shortfall in residential capacity within the district. Enhancing provision in this locality would support the strategic aim of enabling children to remain closer to their families, schools, and communities—key factors that promote placement stability and improve outcomes for young people.
23. From an operational perspective, CSC noted that residential planning applications in this part of Essex are infrequent. Based on engagement with frontline social workers in the South Quadrant, the addition of a registered children's home in this area would be a welcome and valuable enhancement to the local placement offer. It would enable more children to remain in, or return to, their home area—facilitating

continuity in education, contact with family, and established community ties.

24. Furthermore, the Sufficiency Strategy highlights that only 7.7% of children in care are placed in residential settings, and nearly half (46%) of Essex's existing residential capacity is currently occupied by children placed by other local authorities. With Essex County Council anticipating the need for at least eight additional residential placements across Essex within the next two years, this proposal clearly contributes to a wider strategic goal to rebalance provision through a mixed economy of high-quality, locally accessible placements.
25. In light of the above, the demonstrable and strategic need for this type of development constitutes a significant material planning consideration that carries substantial weight in the decision-making process and should not be lightly set aside. The proposal would also help diversify the housing stock to cater for people in the community whatever their housing need in accord with Policy H5 of the Council's Core Strategy.

Design

26. 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.
27. 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*'.
28. This application seeks full planning permission for a change of use of the subject property. The proposal does not entail any external alterations to the building's appearance or footprint, as clearly indicated in the submitted architectural plans and the accompanying planning statement. The external character of the property will therefore remain consistent with the existing residential streetscape, preserving the visual amenity of the area.
29. Internally, the proposal includes a limited number of modifications that would facilitate the intended use. At ground floor level, one of the existing reception rooms would be converted into an office to support administrative functions associated with the new use. At first floor level, a bedroom is proposed to be repurposed as a staff room, providing

necessary facilities for support staff during working hours. These changes are considered minor in scope and do not involve structural alterations or materially affect the internal layout in a way that would compromise the overall residential character of the building.

30. While it is acknowledged that the proposed use may generate a marginal increase in activity compared to a typical single-family dwelling—specifically due to the presence of care staff, visiting professionals, deliveries, and family or social visitors—the scale of this activity is expected to remain modest. The number of staff on-site at any given time is anticipated to be low, and the volume and frequency of visits or deliveries are not considered to be of a scale that would result in undue disturbance or congestion. This is particularly relevant in the context of the wider residential setting, which is already characterised by regular patterns of domestic comings and goings.
31. Moreover, the proposal remains fundamentally residential in nature. Although it introduces a different form of residential occupation, it does not represent a departure from the prevailing land use in the area. The proposed use remains compatible with its surroundings in terms of character, scale, and intensity. The presence of similar levels of background activity from neighboring properties further supports the view that any additional impact would be absorbed within the existing urban fabric without giving rise to unacceptable harm to residential amenity.
32. In conclusion, the proposed change of use is considered to be acceptable in planning terms. It involves no external alterations, only minimal internal adaptation, and the anticipated operational impacts are unlikely to materially affect the character or functioning of the local area. The development is therefore considered to comply with relevant national and local planning policies relating to sustainable development, residential amenity, and land use compatibility.

Residential Amenity

33. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
34. 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.

35. The proposed change of use of the existing four-bedroomed dwellinghouse (Use Class C3) to a children's residential care home (Use Class C2) for up to three children aged 8–18 years, in accordance with the Children's Homes (England) Regulations 2015 and the Care Standards Act 2000, has been assessed in terms of its potential impact on the amenity of adjoining and nearby residential occupiers.
36. The residential character of the area will be largely preserved due to the scale and nature of the proposed use. The occupancy level of three resident children receiving full-time care with two adult staff is comparable to that of a conventional family household. The property will not undergo external physical alterations, and its domestic appearance will remain unchanged, thus maintaining visual continuity within the streetscene and avoiding any detrimental visual impact on neighbouring properties.
37. Operationally, the home will be staffed on a 24-hour basis by trained residential support workers, with two staff members present at any one time, working on a structured rolling shift pattern (8am–8pm and 8pm–8am). A total of six core staff will be employed, organised into three shift teams. While the rota system will necessitate two staff handovers per day, these will be managed in a low-key manner and are not anticipated to generate significant noise or traffic. Staff are expected to arrive individually, typically by car, though the volume and frequency of vehicle movements will remain within the range expected for a family home with working adults.
38. Visitors to the property will include external professionals such as social workers (every six weeks), LAC nurses (annually), Independent Reviewing Officers (semi-annually), and occasional visits by other agencies (e.g., educational staff or police, as required). These visits are not expected to be simultaneous, and will generally be pre-arranged and short in duration. Family visits will only take place following approval by the child's social worker and subject to individual risk assessments. Furthermore, virtual or off-site meetings may be employed where appropriate, further reducing on-site visitor frequency. Accordingly, the level of activity associated with visiting professionals will be controlled, infrequent, and proportionate to the nature of care provision.
39. With regard to concerns often raised by neighbouring occupiers about potential anti-social behaviour from residents in care homes of this nature, it is essential to acknowledge that robust behavioural management protocols are embedded within the regulatory framework governing children's residential care. All children placed in the home will be subject to individual care and support plans developed by multi-agency teams. Staff are trained in de-escalation techniques and

trauma-informed approaches to care, and all incidents are closely monitored, recorded, and reviewed by the Registered Manager. The Registered Manager will be responsible for ensuring that appropriate standards of behaviour, safeguarding, and community engagement are upheld. The Operations Manager, who oversees a network of homes in the region, provides an additional layer of professional oversight and ensures that any complaints or emerging concerns are promptly addressed.

40. In the rare event that residents engage in behaviour that may have an impact on the wider community—such as loud noise, inappropriate conduct in public spaces, or acts of vandalism—such matters would be dealt with in accordance with statutory procedures, including engagement with local safeguarding teams and, where necessary, the police. As with any other residential household, residents are subject to the same laws and behavioural expectations, and enforcement powers remain available to the relevant authorities. It should also be noted that the presence of full-time care staff within the home provides a higher degree of supervision and behavioural control than would typically be present in an ordinary family dwelling.
41. Overall, the proposed use is not considered to result in a material increase in noise, disturbance, or on-street parking to a degree that would cause harm to residential amenity. The home will operate in a highly regulated manner, with staffing and visiting patterns carefully managed, and professional accountability built into its structure. Therefore, it is concluded that the change of use would not give rise to unacceptable impacts on the living conditions of adjoining occupiers or the overall character of the residential area.

Highways

42. Policies DM1 and DM3 of the Council's Development Management Plan establish a clear and enforceable requirement for development proposals to provide an appropriate level of parking, commensurate with the scale and nature of the proposed use. Policy DM30 reinforces this expectation by requiring that development contributes to the creation of a safe, convenient, and accessible environment for all users, and that it adheres to the Council's adopted parking standards. Collectively, these policies are intended to ensure that development does not result in harm to highway safety, nor cause unacceptable impacts on the functioning of the local highway network.
43. At the national level, paragraph 116 of the National Planning Policy Framework (NPPF) provides the key test for assessing highways-related impacts. It states:

“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.”

44. In assessing the current application against this policy framework, it is noted that the proposal does not seek to increase the quantum of built floor space on site, nor does it introduce a materially more intensive use in terms of vehicular movements or parking demand. The site is currently in use as a C3 residential dwelling, and the proposal seeks a change of use to a C2 residential institution. The submitted application confirms the presence of two existing off-street parking spaces, which are to be retained without modification. The County parking standards (2024) require the provision of a space for each of the two resident staff and in addition one space for visitors. The applicant shows use of the small garage on the site but the hard surfaced front garden area would be capable of providing for three cars but without independent operation.

45. Several representations from third parties express concern about the site’s location on a bend in the road, suggesting that ingress and egress may pose a risk to highway safety. However, the existing access arrangements will remain unchanged, and no new points of access or alteration to the driveway configuration are proposed. Furthermore, the Highway Authority (Essex County Council) has been formally consulted and offers no objection to the application. Their comments are explicit:

“The immediate adjacent highway is protected by parking restrictions and the plans include two off-street parking spaces. There is ample room within the curtilage to provide additional off-street parking if required. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority.”

46. The retention of existing parking provision, aligned with the modest scale of the proposed C2 use, indicates that there would be no substantive increase in demand for on-street parking. There is no evidence to suggest that current parking capacity in the vicinity is under pressure, nor that the development would result in harmful displacement of vehicles onto the surrounding highway network. In the absence of changes to access arrangements, any suggestion that highway safety would be compromised lacks evidential support and is not corroborated by the statutory consultee.

47. From a cumulative impact perspective, the proposal represents a change of use on a single, residentially scaled plot, without intensification. As such, its contribution to overall traffic volumes in the area would be negligible. In accordance with paragraph 116 of the NPPF, the test for refusal on highway grounds is not met, as there would be neither an *unacceptable* impact on highway safety nor a *severe* cumulative impact on the road network. In addition to the above, the applicant is proposing to erect a secured and covered cycle

shelter which will be able to accommodate 2No. bicycles in the rear garden of the subject property.

48. In conclusion, the proposed change of use maintains existing levels of off-street parking and does not introduce any physical or operational changes that would increase traffic generation or impact highway safety. The concerns raised by third parties, while noted, are not substantiated by technical evidence and are not supported by the statutory Highway Authority. The proposal complies with the requirements of Policies DM1, DM3, and DM30 of the *Development Management Plan*, and is consistent with national guidance set out in paragraph 116 of the NPPF. Accordingly, from a highways and parking perspective, the proposed development is acceptable and there is insufficient justification to warrant a refusal and substantiate it at future Appeal.

Trees

49. 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.'

50. The proposal will not have any impact on any trees on the site and as such raises no arboricultural implications.

BNG

51. 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.

52. 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.

53. 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.

Emergency Vehicles

54. A number of objections have raised concerns regarding the ability of emergency service vehicles to access the application site and neighbouring properties, particularly in the event of an emergency. Objectors have inferred that the change of use to a children's home could increase the frequency of emergency call-outs or obstruct access due to parking or increased activity on-site, thereby compromising access for fire engines, ambulances, or police vehicles.
55. These concerns have been carefully considered as part of the assessment of the proposal. The site is located within a residential area and benefits from existing lawful use as a dwellinghouse under Use Class C3. The physical access to the property remains unchanged under the proposed C2 use. There is no evidence to suggest that emergency access to the property or neighbouring sites is currently impeded, or that the proposal would result in a physical obstruction or intensification that would lead to such obstruction.
56. It is important to note that fire and rescue services, as well as ambulance services, are accustomed to operating in a wide range of residential environments, including terraced streets, cul-de-sacs, and narrow access roads. The statutory standards for access to emergency vehicles, including width of access routes, turning radii, and clear headroom, are typically addressed at the building control stage and through compliance with the relevant provisions of the Building Regulations (e.g., Approved Document B for fire safety).
57. Furthermore, the change of use to a C2 children's home does not inherently increase the likelihood of emergency call-outs compared to occupation by a large family. The proposed use would be operated under the supervision of trained and qualified staff, often with enhanced oversight and support mechanisms in place, which can contribute to the early management of incidents that might otherwise escalate in an unsupervised residential context.

58. From a planning perspective, there is no evidence before the Local Planning Authority to suggest that the proposed change of use would obstruct emergency vehicle access or that it would result in a material increase in risk to life or property due to delayed response times.
59. In conclusion concerns regarding emergency vehicle access are noted, but in the absence of any objection from the local Highway Authority or evidence of physical constraints that would preclude such access, these concerns are not considered to represent a justifiable reason for refusal. The proposed development is considered acceptable in terms of access, highway safety, and compatibility with emergency service requirements.

Other Matters

60. A number of objection letters submitted by neighbouring residents have raised concerns that the proposed development, if approved, would result in the devaluation of their properties. While such concerns are understandable from the perspective of individual homeowners, it is important to clarify the role of the planning system and the legal framework within which planning decisions are made.
61. Under the statutory planning framework in England, decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The concept of a "material consideration" is not exhaustively defined in legislation, and government guidance recognises that the range of potentially material considerations is wide. However, there is well-established case law which provides a degree of clarity on what constitutes a material consideration in practice.
62. The courts have consistently held that the planning system exists to regulate the development and use of land in the public interest. This principle is a cornerstone of planning law and is supported by key judgments, including *Stringer v Minister of Housing and Local Government* [1970] and *Newbury District Council v Secretary of State for the Environment* [1981]. These cases affirm that material considerations must relate to the proper planning of the area and the wider public interest, rather than to private or purely financial interests.
63. In this context, the potential for a proposed development to affect the market value of adjacent properties is generally not considered a material planning consideration. This is because property value is regarded as a private financial matter rather than an issue affecting the use, character, or amenity of land in planning terms. While the planning system may take account of visual impact, residential amenity, traffic implications, or environmental effects—where these can be shown to

affect the public interest—the indirect effect on property prices falls outside this scope.

64. Accordingly, whilst the concern about property devaluation has been noted, it does not constitute a material consideration for the purposes of determining this planning application. The planning authority must therefore focus its assessment on planning issues that relate directly to the use and development of land, as defined in national and local policy, relevant guidance, and case law.
65. Numerous objections have been received from local residents, citing fears related to potential anti-social behaviour, poor property maintenance, and excessive noise levels. However, these concerns are entirely speculative in nature and lack any evidential basis. No substantive information has been provided to suggest that the proposed use would inherently generate the types of impacts described. Importantly, such assertions are not supported by any professional assessments or empirical data that could elevate them beyond mere supposition.
66. The planning system is not designed to operate on the basis of perceived threats, prejudice, or fear of particular social groups. It must be guided by evidence-based assessment and adherence to material planning considerations. There is no policy basis - either within the local development plan or the NPPF - that supports the refusal of planning permission solely on the grounds of apprehension about the future behaviour of potential occupants or whether a property would be adequately maintained. To do so would risk discriminating against vulnerable individuals and undermining the statutory objectives of care provision under national legislation, including the Children Act 1989.
67. Moreover, to refuse the application on these grounds would represent a fundamental misapplication of planning law and policy. It would be a decision based not on planning harm, but on unfounded conjecture. Such an approach would be considered unreasonable by the Planning Inspectorate and would likely attract significant criticism at appeal, not only resulting in a reversal of the decision but also potentially exposing the Local Planning Authority to an award of costs for acting in an arbitrary and unjustified manner.
68. In summary, while local concerns are acknowledged, they do not amount to a credible or material basis for refusal. The planning authority has a duty to apply planning policies fairly and impartially, and must not allow decisions to be swayed by speculative or prejudicial representations that lack objective grounding.

Consultation

69. The case officer confirms that statutory consultation procedures have been correctly and diligently followed in accordance with the Town and

Country Planning (Development Management Procedure) (England) Order 2015 and associated guidance. A site notice was displayed in a prominent location close to the application site, ensuring that members of the public not directly notified by letter were still made aware of the proposal and afforded the opportunity to comment. In addition, individual neighbour notification letters were issued to all properties immediately adjoining or in close proximity to the application site, as is standard practice for applications of this nature.

70. A number of representations have been received asserting that residents should have received letters but did not. It is important to clarify that there is no statutory obligation to notify *all* residents within a street or neighbourhood. The LPA is required to notify only those who adjoin or are materially affected by the proposal. That threshold has been met. The suggestion that a broader notification exercise should have been undertaken lacks basis in planning law or policy and could, if acted upon arbitrarily, create procedural inconsistency and unfairness across applications.
71. Moreover, it is noted that many of those who claim not to have been notified have, in fact, submitted written objections to the application - thereby proving that the consultation process has worked effectively in informing and engaging the community. The objective of public consultation is to provide interested parties with the opportunity to participate in the planning process, not to guarantee individual notification. No party has been prejudiced, and full transparency has been maintained.
72. It would also be procedurally inappropriate and potentially prejudicial to the applicant to notify an overly broad area or “entire street,” as some have suggested. Doing so could raise legitimate concerns about the LPA attempting to engineer opposition to the scheme, which could be viewed as compromising the impartiality of the planning process. The LPA must act fairly, proportionately, and within the confines of its statutory duties. This includes balancing the rights of applicants to a fair determination against the public’s right to be informed. That balance has been maintained in this case.

Precedent

73. Numerous residents have claimed that the proposal if allowed will create a precedent for similar types of development within the locality. However, in relation to planning practice every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous. A search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning’s prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise

and that every planning permission must and shall be considered on their individual merits.

74. However, in planning law, there is a “principle of consistency” in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, *R v. London Borough of Wandsworth* (1983) This case established that while past decisions in planning are not strictly binding, they can be persuasive. The court ruled that a planning authority must give reasons if it decides to depart from previous planning decisions that might suggest a similar outcome. It emphasized the importance of consistency in planning decisions to ensure fairness and avoid arbitrary decision-making.
75. Additionally, *R v. Secretary of State for the Environment, ex parte Nottinghamshire County Council* (1986) This case clarified that, while planning authorities are not required to follow previous decisions, they must not act irrationally or in a way that is inconsistent with past practice without offering an adequate explanation. The court noted that consistency in planning decisions is important to prevent confusion and unfairness. Also, *R (on the application of Collins) v. Secretary of State for Communities and Local Government* (2013). This case reinforced the idea that planning authorities need to consider relevant case law and precedent in the broader sense, particularly when a similar case has been determined under the same policies. However, the decision emphasized that each case must be considered based on its unique facts and circumstances.

Lack of Details

76. Concerns have also been raised regarding the perceived inadequacy of detail within the submitted plans, particularly in relation to fire safety. However, these matters fall firmly within the remit of the Building Regulations, which provide a comprehensive framework for addressing fire safety, structural integrity, and related technical matters. It is well established in planning law that the planning system is not intended to duplicate or pre-empt the requirements of other statutory regimes. To refuse a planning application on grounds more appropriately addressed through Building Control would be procedurally improper and unjustified.

Intensification

77. Objectors have suggested that granting planning permission would create an opportunity for the use of the site to be intensified in the future. This argument misunderstands how the planning system operates. Any future intensification beyond what is approved under the

current proposal would constitute a material change of use and would therefore require a fresh planning application. Such an application would be subject to the same scrutiny as the present one and would be determined in accordance with the prevailing policy framework and any relevant material considerations at that time.

78. To provide additional clarity and ensure the development remains within the scale assessed as acceptable, the case officer considers it both reasonable and necessary to impose a planning condition restricting the maximum number of residents. This will ensure effective control over the intensity of use and will address concerns regarding potential future expansion of the operation, without resorting to speculative refusal. This approach strikes a proper balance between safeguarding community interests and ensuring that unnecessary and unlawful planning burdens are not imposed.

Safeguarding

79. A significant number of objections have been received from local residents regarding the proposed change of use of the application site from Class C3 (dwellinghouse) to Class C2 (residential institution), specifically a children's home. A key theme emerging from the representations is concern regarding the safety of children attending a nearby school, with many objectors raising apprehensions about the potential behaviour of future occupants of the proposed use. It is inferred in several objections that the residents of the children's home may pose a risk to children in the surrounding area, particularly given the site's proximity to a local school.
80. These representations are noted and given appropriate weight in the assessment of the proposal. However, it is important to distinguish between material planning considerations and matters which are either based on perception or are not substantiated by evidence.
81. In planning terms, a change of use to a children's home falling within Use Class C2 does not, in itself, give rise to an unacceptable impact on the safety of the surrounding area. The planning system operates on the basis of land use rather than the identity or background of prospective occupants. In this context, speculative concerns about the character or behaviour of future residents are not, on their own, a justifiable basis for refusal unless there is clear and demonstrable evidence that the use would result in actual harm.
82. The children's home, as proposed, would be subject to regulation and inspection by Ofsted and operated by a registered care provider under national statutory frameworks. These regulatory regimes are designed to ensure that children in care are housed in a safe and supportive environment and that they are properly supervised. There is no evidence to suggest that the proposed use would generate behaviours

that would compromise public safety or lead to any direct risk to the school or local children.

83. Furthermore, many children's homes operate successfully within residential areas across the country without incident or incompatibility with surrounding land uses.
84. It is also material to note that the current lawful use of the property as a C3 dwelling does not restrict the number of occupants or their age, and there is nothing to prevent a large family with children, or young adults, from living at the property. The proposed C2 use is not inherently more disruptive or dangerous than a residential use falling within Class C3. The intensity of the proposed use, including staffing and management arrangements, is a critical factor and can be controlled through appropriate planning conditions, if necessary.
85. While public fear or perception can be a material consideration, it must be based on objective and evidenced harm. In this case, the objections primarily rely on assumptions and generalisations about the nature of children in care. These assumptions, however, sincerely held, are not supported by evidence of specific harm arising from the proposed use or from similar uses in comparable settings.
86. Having regard to the planning merits of the application and the regulatory framework governing children's homes, it is considered that the proposed change of use would not give rise to demonstrable harm to local amenity, nor would it compromise the safety of children attending nearby schools. The concerns raised by local residents have been fully considered, but on balance, they do not constitute sufficient planning grounds to warrant refusal of the application. The proposal is therefore considered acceptable in this regard, subject to the imposition of appropriate conditions to secure operational management and oversight.

Equalities and Diversity Implications

87. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires 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.
88. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

89. 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

90. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: No comments received.

Essex County Council Highways Authority: The immediate adjacent highway is protected by parking restrictions and the plans include two off-street parking spaces. There is ample room within the curtilage to provide additional off-street parking if required. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Essex County Council Children's Social Care: The proposed development aligns with ECC's statutory sufficiency duty under Section 22G of the Children Act 1989, which requires sufficient local accommodation for children in care. ECC's *Children and Families Sufficiency Strategy 2023–2026* prioritises increasing residential capacity, particularly in under-served areas like Rochford, which has one of the lowest rates of children in care in Essex (11.7 per 10,000) and limited residential provision.

This proposal would enhance local placement options, helping children remain near their families, schools, and communities—key to promoting placement stability and positive outcomes. Residential planning applications are rare in this part of Essex, and based on South Quadrant practice experience, a registered children's home here would be a valuable addition.

Key points from ECC's strategy include:

- Only 7.7% of children in care are in residential settings.
- 46% of Essex's residential capacity is used by out-of-county placements.
- ECC projects a need for 8 additional placements in the next two years.

The development contributes to ECC's goal of rebalancing residential care through a mix of high-quality, local placements, and supports collaboration with providers to ensure responsive, proximity-based care. Further details on ECC's commissioning priorities are available via the Children's Services Provider Hub.

Neighbour representations:

17 responses from the following addresses objecting to the proposal;

Hamilton Gardens: 1, 14, 16 (2 letters received), 16A (2 letters received), 18 (2 letters received), 20, 20A, 30, 31, 33, 55A, 72 (2 letters received)
Cornhill Avenue: 63

And which in the main make the following comments and objections (summarized)

- The proposal will bring the area down
- We have not been notified of the proposal but live in close proximity to the application site;
- There is a school in close proximity to the site and we are worried who we get there;
- Rent the house out instead;
- The property is located on a dangerous blind bend;
- The operation of a care home will be significantly different from running of a family home,
- Not realistic for staff to cycle to work;
- The proposal may inhibit emergency vehicles gaining access;
- Approving this application will be inconsiderate to the local community and residents.
- The property will not be cared for
- There are vulnerable people in the locality
- Allowing this proposal will set a precedent for similar types of development
- I chose to live in a safe and stable neighbourhood to bring up my family;
- The proposal if allowed will exacerbate road safety concerns, parking issues and congestion in the locality
- How can we be sure that this business will not be used for illegal transactions
- It does not appear to be justifiable trying to retrofit this property in a quiet residential area;
- How can we sure the premises will be managed properly it may lead to noise and anti-social behaviour;
- The proposal will alter the tranquility and character of the area
- The proposal will add strain onto existing facilities and services;
- There will be a decrease in property values if the proposal is allowed;
- There is a school in the same street what plans are there to protect these children;
- The proposal is for a business use in a residential area
- There is insufficient parking for the staff and visitors to the site
- There is no specification on the age of the children who will be residing at this property;
- Can you guarantee that the proposal if allowed will not lead to an intensification of use
- The proposal will increase the noise levels in the locality
- This application is being quietly pushed through.

1 response has been received in support of the application from the following address:

Southview Road: 2.

And which in the main makes the following comments in support:

- This is an excellent initiative to provide care for children who need it.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – CP1, H5, T1, T8.

Rochford District Council Local Development Framework Development
Management Plan (December 2014) – DM1, DM3, DM30, DM31.

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

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 09 (Proposed Cycle Parking Elevations, Floor Plan and Roof Plan) (as per date stated on plan March 2025), 07 (Proposed Block Plan) (as per date stated on plan March 2025), 05 (Sections) (as per date stated on plan March 2025), 03 (Existing and Proposed Roof Plan) (as per date stated on plan March 2025), 04 (Existing and Proposed Elevations) (as per date stated on plan March 2025), 02 (Proposed Floor Plans) (as per date stated on plan March 2025) and the Location Plan (as per date stated on plan 31st March 2025).

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

3. The premises shall be used only as a children's residential care home within Use Class C2 for the accommodation and care of no more than three children aged 8–18 years, and shall not be used for any

other purpose, including any other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), without the prior written approval of the Local Planning Authority.

REASON: To ensure that the specific nature and scale of the use is retained in the interests of protecting residential amenity and local character.

4. A maximum of two members of care staff shall be present on site at any one time, excluding exceptional circumstances such as emergencies or official visits/inspections or handovers.

REASON: To limit the intensity of use and safeguard the amenities of neighbouring residents.

5. All professional and family visits to the property shall take place between the hours of 08:00 and 20:00, unless otherwise agreed in writing by the Local Planning Authority or required for emergency purposes.

REASON: To protect residential amenity during typical rest periods.

6. The operator shall keep records of staff shift patterns and professional/family visits for a minimum period of 12 months and shall make these available to the Local Planning Authority upon request.

REASON: To enable monitoring of compliance with planning conditions and to address any complaints or concerns regarding intensity of use or amenity impacts.

7. The parking area to the front of the dwelling, as indicated on approved plan reference 07, shall be permanently retained and kept available for vehicular parking associated with the approved use of the property.

REASON: To ensure adequate on-site parking is maintained in the interest of highway safety and to facilitate the free flow of traffic on the surrounding road network.

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

Application No :	25/00254/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Land Between Merry Thought And Valentine Cottage Ethelbert Road Ashingdon
Proposal :	Proposed new self-build dwelling and associated development.

SITE AND PROPOSAL

1. The application site is located on the eastern side of Ethelbert Road, which is an unmade private track leading towards Canewdon Road (to the south) and Lyndhurst Road (to the south west). The area is made up of plotland whereby dwellings are placed sporadically fronting unmade roads in the nearby vicinity. Although the site lies beyond the main built-up area, the overall character and appearance of the area is of a residential enclave within a rural setting. The site is located wholly within the Metropolitan Green Belt.
2. The application site forms part of the residential curtilage known as 'Valentine Cottage' which comprises a detached single storey bungalow predominately covered in render under a concrete interlocking roof. Located to the rear of this property adjacent to the boundary with 'The Haven' is a relatively large, static caravan. Located to the side and front of the host property is an extensive area of hardstanding which is sufficient to accommodate several vehicles. Located immediately to the north of Valentine Cottage is an area of residential curtilage, which is the subject of this application (an extensive rear garden will remain serving Valentine Cottage).
3. The proposed development site is rectangular in form and has an area of approximately 793m². The boundaries to the application site are demarcated by on the northern aspect by 1.6m (approx.) high close boarded timber fence (separating Valentine Cottage from Merrythought), on the western aspect 1.5m high hit and miss style fencing and on the eastern aspect by post and rail fencing, which backs on to open countryside.
4. To the north of the application site are two detached properties 'Merrythought' and 'Brenton' and beyond these properties is a large open field. Located to the south are several properties (including the host property) which are all grouped closely together and beyond them is an area of open field. As previously stated, the application backs onto open countryside and there is an open field located directly to the front (western aspect).

5. Full planning permission is sought for the erection of 1 No. detached dwellinghouse on land adjacent to Valentine Cottage. The proposal will involve the subdivision of this plot, and the ground floor accommodation will incorporate hall, 1 No. bedroom, shower room, open plan kitchen and family room, lounge. Whilst the first-floor accommodation will consist of 3 No. bedrooms (one will be en - suite) and a family bathroom. Furthermore, there will be associated car parking arrangements with private amenity space at the rear.

RELEVANT PLANNING HISTORY

6. Application No. 22/00416/FUL - Proposed 3-bed chalet style dwelling and create new vehicular access and parking area – Refused – 20th Jul 2022. Reason for refusal:

“The proposed development would result in inappropriate development in the Metropolitan Green Belt. The scale and mass of the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing built form and would result in further urbanisation and encroachment into the open countryside. The development is not considered to meet the criteria and exceptions outlined in the Council’s Local Development Framework and the National Planning Policy Framework. There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist to outweigh the harm to the Green Belt”.

7. The applicant Appealed against the above decision (APP/B1550/W/22/3304163) which was subsequently dismissed on the 17th May 2023. The Inspector concluded that *“The proposed development conflicts with the development plan and the Framework taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan”.*
8. Application No. 23/00623/FUL - Proposed new dwelling and associated development – Not Determined.
9. The applicant Appealed against the above decision (APP/B1550/W/23/3333454) due to non-determination which was subsequently allowed on the 25th September 2024. The Inspector concluded that *“I conclude the proposal would not be inappropriate development in the Green Belt. I also find no conflict with CS Policy GB1”.*

MATERIAL PLANNING CONSIDERATIONS

10. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004,

which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Green Belt issue

12. 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.
13. 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.
14. Both policies GB1 and GB2 of the Council's 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.

15. 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.

16. As previously stated, the application site is located wholly within the Metropolitan Green Belt and according to para. 142 of the framework which 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.

17. 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.

18. 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.
19. 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 (e), paragraph 154 of the framework.
20. 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.
21. Paragraphs 154 and 155 of the framework enunciate a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -
22. 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.
23. The guidance stated within paragraphs 110, 115, 156 to 157 are not applicable to the determination of this application.
24. 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” in their own right.

Assessment Against Exception (e)

25. There are three elements to para. 154 exception (e) to consider. These are; whether the development can be deemed to represent infilling, whether that infilling is ‘limited’ and whether the site can be deemed to be ‘in a village’. In the determination of the most recent appeal, the appointed Planning Inspector provided a clear and reasoned assessment of the status of Ashingdon within the context of national planning policy.

26. The Inspector stated:

"There is no pertinent or compelling evidence before me to demonstrate that Ashingdon and Rochford are physically contiguous, nor has any substantive information been submitted to support the contention that Ashingdon has outgrown the definition of a village due to its size. Moreover, I have not been provided with any defined boundaries delineating the extent of the urban areas in question".

27. The Inspector further noted:

"The fact that Ashingdon is identified alongside Rochford within Tier 1 of the settlement hierarchy does not, in itself, provide sufficient justification to conclude that Ashingdon no longer retains the status of a village. The designation within a settlement hierarchy is a matter of policy classification and does not equate to a definitive assessment of physical form, scale, or functional relationship".

28. Crucially, the Inspector concluded:

"Accordingly, and irrespective of whether Ashingdon shares certain characteristics with other settlements traditionally classified as villages, I am satisfied that it does indeed constitute a village for the purposes of paragraph 154(e) of the National Planning Policy Framework (NPPF)".

29. To conclude the Inspector observed:

"It is not in dispute that the proposal constitutes limited infilling. Consequently, I find that the development satisfies all the criteria set out within paragraph 154(e) of the Framework".

30. In light of the above, the Inspector did consider that the subject site was situated within a village and as such this complies with the first element of para. 154 exception (e). This decision represents a strong and authoritative material consideration in planning terms. It affirms both the status of Ashingdon as a village and the appropriateness of limited infilling within it under the relevant provisions of national planning policy. As such, this finding carries significant weight in the determination of future planning applications and appeals involving similar circumstances. It must be afforded due regard and cannot, and should not, be dismissed or set aside without robust and compelling justification.
31. Turning to the remaining elements of criterion (e), it is important to consider both the scale and the context of the proposed development. The application is for the erection of a single dwellinghouse, which, by its very nature and quantum, is modest and can reasonably be described as 'limited' in scale. This satisfies the second element under the criterion, which seeks to ensure that development in rural or otherwise sensitive locations does not result in disproportionate growth that could undermine local character or planning policy objectives.
32. In considering the remaining aspect—whether the proposal constitutes infilling—it is necessary to assess the site in its physical and spatial context. The application site is positioned between two established residential properties to the north (Merrythought and Brenton) and several residential properties to the south, including Valentine Cottage (owned by the applicant), The Haven, and others. All of these dwellings front Ethelbert Road, forming a largely continuous and cohesive linear pattern of development along this stretch.
33. The site's location, nestled between existing dwellings within an established frontage, is consistent with the commonly accepted definition of 'infilling'—namely, the development of a small gap in an otherwise built-up frontage. Moreover, some of the neighbouring properties are substantial in scale, and the proposed development, being limited to a single dwelling, would not disrupt the existing rhythm or grain of development.
34. In planning terms, limited infilling in villages or similar settlements is generally considered acceptable where it respects the character and appearance of the area and does not give rise to significant adverse impacts. In this instance, the proposal does not extend the built form into open countryside nor does it set a precedent for ribbon

development. Rather, it fills an identifiable gap between existing built forms, without significantly altering the settlement pattern.

35. Given these considerations, the case officer is satisfied that the proposed development meets the requirements of criterion (e) of paragraph 154. Specifically, the proposal represents infilling in the spatial sense, and the scale of development is demonstrably limited and is located within a village. As such, the proposal accords with national planning policy that allows for limited infilling in appropriate locations.

Housing Land Supply

36. 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 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.
37. 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”.
38. The proposal posits the erection of 1 No. detached dwellinghouse. According to 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 1 No. unit) and as such if the proposal was permitted it would contribute to the existing shortfall.
39. Consequently, the proposal will have a positive impact on housing land supply and in the opinion of the case officer exception b. of para. 155 is engaged.

Sustainability

40. The applicant's agent stresses that the proposal is not located in a disparate and isolated location and if permitted will help to contribute to the local economy through the creation of jobs during the construction

phase and residents of the property will be able to utilise local goods and services. Furthermore, the agent has inferred that this windfall site will help to create an additional dwelling which will help to meet the needs of the local community due to the housing shortage.

41. With regards to policy DM10 of the Council's Development Management Plan, the following criteria needs to be adhered to for the redevelopment of 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.

42. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The site is located approximately 690m north-east from Ashingdon Primary School. In respect of connections to the road network, Ethelbert Road is accessed from Canewdon Road, which connects with the neighbouring settlements of Canewdon and Ashingdon. Both of these settlements contain shops and retail outlets for everyday living. The surrounding road network is relatively flat and could be used by cyclists.

43. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.

44. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale development such as that proposed would be capable of being delivered relatively quickly.

Design

45. 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. Moreover, policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and

will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. 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.

46. 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.
47. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
48. The current proposal is a full application for the erection of 1 No. detached dwellinghouse. The redevelopment of a site, especially where it forms a significant part of local character, often disrupts the grain of development and will be considered unacceptable. The proposed dwelling as shown on the proposed site layout would directly face onto Ethelbert Road. Properties on this part of Ethelbert Road display varying architectural styles and there is little uniformity within the streetscene, which include detached bungalows, chalet style bungalows some incorporating gables, whilst one of them incorporates a Mansard style roof. Some of the properties are constructed out of facing brick, whilst others are rendered. There is a rich tapestry of architectural styles and use of materials, which helps to create a sense of place. Generally, dwellings along Ethelbert Road provide proportional gardens to the front of the properties in an established rhythm and setting.
49. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.

50. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
51. The application site is located along Ethelbert Road, characterised by a varied architectural vernacular, comprising detached and semi-detached dwellings with a mix of ridge heights, roof forms, and plot widths. There is no rigid building line or uniformity in scale and so allows for a certain degree of design flexibility, provided that proposals remain respectful of established spatial and architectural rhythms.
52. The proposed development seeks to introduce a detached single-family dwelling within a currently vacant infill plot. The new dwelling is sited with a modest set-back from the established building line, ensuring a respectful transition between adjoining properties to the north and south. This minor recessing helps maintain visual cohesion while clearly demarcating the new dwelling as a contemporary insertion.
53. The submitted plans demonstrate that the dwelling can achieve a minimum plot width in excess of 9.25 metres and maintain a minimum 1-metre separation from both side boundaries. These spatial arrangements conform to the spatial parameters stipulated in the Council's Supplementary Planning Document 2 – *Housing Design* (SPD2), which emphasises the importance of avoiding overdevelopment and preserving adequate space between dwellings to sustain suburban character and visual relief within the streetscape.
54. The proposed dwelling adopts a simple but considered L-shaped footprint, measuring approximately 14.4m in depth by 10.14m in width (maximum). It rises to a modest ridge height of 5.95m and 2.55m at the eaves. This scale is contextually appropriate, siting comfortably within the range of neighbouring ridge heights, which vary from 5.11m to 9.40m. The moderate height ensures that the new building will not dominate the skyline or appear visually intrusive when viewed from the public realm.
55. The articulation of the built form, through the use of roof planes, a projecting gable, and dormer windows, helps break up the bulk of the structure, avoiding a monolithic or overly horizontal mass. The form is further softened by the inclusion of a 1-metre-wide side access, enhancing permeability and avoiding a sense of visual cramping.
56. The design language is restrained and adopts traditional materials – facing brickwork, concrete roof tiles, and uPVC windows and doors – which are consistent with the local material palette. While the architecture is not avant-garde, it is contextually sensitive, avoiding pastiche or inappropriate mimicry. The balanced and proportionate fenestration strategy contributes positively to the façade rhythm and ensures natural surveillance onto Ethelbert Road.

57. Front and rear roof dormers are proposed, each measuring approximately 1.7m wide by up to 2.2m high, projecting no more than 2.8m from the existing roof. The design and positioning of these dormers are consistent with both the Essex Design Guide and the Council's SPD2, which advocate that dormers should be subordinate to the main roof, possess pitched roofs, and be well integrated with substantial verges retained. Crucially, the dormers are set down from the ridge and pulled back from the eaves, ensuring they remain visually secondary features.
58. The proposed dormers serve habitable rooms (bedrooms 2 and 3), and while they project outwards, they do not interrupt the symmetry of the roof or dominate the roofscape. Furthermore, their use of rendered cheeks and traditional scale helps ensure their visual integration. The case officer's analysis finds no evidence that these elements would create visual discord or harm the character of the streetscape.
59. The rear elevation features a full-height gabled projection incorporating bi-fold doors and a triangular glazed apex. This element introduces a contemporary visual break and helps animate an otherwise blank elevation. Its verticality and transparency help mitigate the building's overall depth by providing architectural articulation.
60. The side elevations are treated with sensitivity. The elevation facing Valentine Cottage incorporates a single, modestly scaled window (serving a shower room) and three rooflights. These additions are not excessive and do not introduce any significant issues of privacy or overlooking. The opposite flank elevation contains two kitchen/family room windows and three rooflights, again reinforcing the consistent design ethos of balanced window proportions and limited visual intrusion.
61. The soldier course detailing above the windows provide subtle traditional embellishment and reinforces local architectural detailing. This articulation plays an important role in humanising the scale of the building and breaking up wall planes.
62. The choice of materials – traditional red/buff brickwork under a concrete tile roof with uPVC fenestration – ensures the development reads as part of the established suburban context. These materials are durable, appropriate to the area, and allow the building to assimilate without creating stylistic conflict.
63. Although the development does not introduce innovation in architectural language, it demonstrates a measured and responsive design approach. It respects the rhythm and hierarchy of forms in the area while asserting a subtle contemporary presence through its dormers, gable articulation, and glazing.

64. The overall site layout, including the provision of on-site car parking to the front and private amenity space to the rear, demonstrates that the plot is capable of accommodating the proposed dwelling without leading to overdevelopment. The generous plot size avoids any sense of visual congestion or over-intensification and provides adequate space for soft landscaping and tree planting to further integrate the building into its setting.
65. Internally, the dwelling provides a good standard of accommodation, with a logical division between social and private spaces. The ground floor accommodates a hall, bedroom, shower room, open-plan kitchen/family room, and lounge. The upper floor houses three bedrooms (including one en-suite) and a family bathroom. This arrangement ensures the dwelling meets modern standards of functionality and liveability.
66. When assessed against the relevant design policies – including Local Plan Policy DM1, SPD2, the Essex Design Guide, and the framework , the proposal is found to be compliant. It demonstrates adherence to design principles including scale, massing, articulation, material compatibility, spatial quality, and contextual sensitivity.
67. While the design is modest and not architecturally distinctive, it does not need to be so in order to meet the test of good design. The framework supports development that is sympathetic to local character without necessarily replicating it, and the proposed dwelling achieves this balance.
68. The proposed development constitutes a well-designed, contextually appropriate addition to Ethelbert Road. It maintains the character of the surrounding area, delivers an acceptable standard of accommodation, and avoids harmful impacts in terms of visual amenity or townscape coherence. While it does not overcome other concerns referenced in earlier sections of this report, from a design and visual impact perspective, the proposal is compliant with both national and local planning policy.

Impact on Residential Amenity

69. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
70. 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.

71. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent occupiers.
72. According to the submitted plans, the proposed dwellinghouse will be sited approximately 3.1m from the shared boundary with the neighbouring property "Merrythought" tapering down to a minimum distance of 1.5m at its closest point. The common boundary is currently delineated by a 1.6-metre-high close-boarded timber fence, which provides a moderate level of visual screening between the two properties. In addition, a detached outbuilding is located within the rear garden of Merrythought, directly abutting the boundary shared with the application site. This built form contributes further to the sense of enclosure along this boundary and serves to partially obscure direct lines of sight between the proposed development and the principal amenity space associated with Merrythought.
73. The proposed development includes two windows at ground floor level in the flank elevation facing Merrythought, as shown on drawing reference 202 Revision 02. These windows are identified as secondary openings serving an open-plan kitchen and family room. Given their function and designation as secondary windows, they are not expected to be the primary source of light or outlook for the associated internal spaces. Nonetheless, in order to mitigate any potential perception of overlooking or loss of privacy, a planning condition requiring the installation of suitable boundary treatment will be imposed should permission be granted. This measure is considered sufficient to safeguard the privacy of the neighbouring occupiers.
74. In addition to the flank windows, three rooflights are proposed in the roof slope facing Merrythought. These rooflights are set within the roof plane at a height and angle that would not allow direct or intrusive views into neighbouring habitable rooms or garden areas. Rooflights of this nature typically serve to provide daylighting and ventilation and are not generally associated with harmful overlooking. As such, their inclusion is not considered to result in any demonstrable harm to neighbouring amenity.
75. Taking into account the separation distances involved, the screening provided by existing boundary treatments and built form, and the

orientation and nature of the proposed fenestration, it is considered that the development would not give rise to any significant adverse impacts on the residential amenities of Merrythought. Specifically, the proposal would not result in an unacceptable loss of privacy, outlook, or daylight, nor would it appear unduly overbearing when viewed from neighbouring land.

76. A single window opening is proposed on the flank (side) elevation of the new dwellinghouse, facing toward Valentine Cottage. This window is located at ground floor level and, as shown on the submitted architectural plans (Ref: 202, Revision 02), is intended to serve a shower room. In line with standard practice for non-habitable spaces such as bathrooms and shower rooms, it is anticipated that this window will be obscurely glazed and either fixed shut or top-hung with limited opening capacity. Such treatment is a recognised means of safeguarding privacy for both the proposed dwelling and adjacent properties.
77. The proposed dwelling is set back approximately 1m from the shared boundary with Valentine Cottage. This spatial separation materially reduces the potential for any direct or harmful overlooking. Any residual concerns around privacy or visual impact are further mitigated through the proposed use of boundary treatments and landscaping, which can be secured via planning condition. These measures will soften the development's visual presence and reinforce both physical and visual screening between the properties.
78. In addition to the flank window, the proposal includes three rooflights positioned on the roof slope that faces Valentine Cottage. These rooflights are set within the roof plane at a high level, above typical eye level, and are angled in such a way that outward views are inherently restricted. Consequently, they are unlikely to afford any direct line of sight into neighbouring habitable rooms or private amenity areas.
79. Rooflights of this nature are commonly used for passive ventilation and natural daylighting in upper floor rooms or loft spaces. Their inclusion is not generally considered to cause overlooking or result in a loss of privacy. Given their siting, height, and design, the proposed rooflights in this case are not expected to result in any significant adverse impact on neighbouring amenity.
80. To the rear, the site abuts expansive open countryside, devoid of built development or sensitive receptors. There is therefore no potential for adverse amenity impacts in this direction. Whilst to the front, the proposed dwelling will face Ethelbert Road, beyond which lies undeveloped plotland with no residential properties in proximity. As such, no concerns arise regarding loss of privacy, daylight, or outlook to the front aspect.

81. Having regard to the spatial arrangement between the proposed dwelling and neighbouring properties, the intended use and treatment of openings, and the surrounding rural context, it is concluded that the proposal would not result in any undue or demonstrable harm to residential amenity. Any minor impacts are capable of being suitably mitigated by standard planning conditions relating to boundary treatment and landscaping.
82. 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 policies DM1 and DM3 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Sizes

83. 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.
84. The Council's 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-bedroom dwellings which shall have an area of 50m² minimum.
85. The layout submitted shows that the proposed dwelling would be provided with a rear private amenity space of approximately 496m², which is well in excess of 100m² required. The proposed dwelling would satisfy the outdoor amenity space requirements set out in the SPD2. Furthermore, as the proposal will result in the subdivision of the plot the host property will still maintain a private rear amenity space of 595m².

Sustainability

86. 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.

87. 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.
88. 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.
89. A single storey dwelling which would comprise of four bedrooms accommodating either four or five people would require a minimum Gross Internal Floor Area (GIA) of 90m² or 99m², respectively. Additionally, the dwelling must have a minimum of 3m² of built-in storage. The proposed dwelling is a four-bedroomed single storey property. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwelling will measure approximately 182m².
90. The table below shows the gross internal floor area for each of the bedrooms.

Bedroom No.1	13.6m ²
Bedroom No.2	15.6m ²
Bedroom No.3	9.9m ²
Bedroom No.4 (Master)	34.6m ²

91. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Furthermore, it was noted that no storage areas were indicated on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a four bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.
92. 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.

93. 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.

Impact on Highway Safety

94. Policies DM1 and DM3 of the Council's Development Management Plan (DMP) require all development proposals to provide an appropriate level of car parking provision, having regard to the nature of the development, its location, and the accessibility of the site. Policy DM30 further reinforces the need to create and maintain an accessible environment, specifically requiring development proposals to provide adequate parking facilities in accordance with the Council's adopted parking standards.
95. In assessing the acceptability of development in relation to highway impacts, paragraph 116 of the framework is material. It clearly states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. This establishes a high threshold for refusal, requiring demonstrable evidence of significant harm resulting from the proposed development.
96. The application includes a detailed layout plan (Plan Ref: 205 Revision 02), which demonstrates that the proposed new dwelling would benefit from a dedicated vehicular access and egress directly onto Ethelbert Road. Ethelbert Road is a private, single-width, unadopted road without formal surfacing. Notwithstanding its informal nature, it is a functioning access route serving existing properties in the locality and is not subject to any current restrictions that would prevent access or intensification of use.
97. The proposed layout confirms the provision of at least two off-street parking spaces located at the front of the proposed dwellinghouse, arranged side-by-side to ensure usability and to minimise manoeuvring requirements. This level of provision is consistent with the Council's adopted parking standards for a dwelling of this size and location and ensures that there would be no displacement of vehicles onto surrounding roads or neighbouring land.
98. Given the site's access onto a private road, the Local Planning Authority considered it appropriate to consult Essex County Council's Highways Authority. The Highways Authority responded stating that

“the new vehicle access will be located on Ethelbert Road which is a private road. A minimum of two off-street parking spaces should be provided for the dwelling. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority”.

99. This formal consultation response provides a clear and expert opinion that the proposal would not result in any unacceptable impact on the highway network, nor would it give rise to safety concerns. The development meets the minimum parking standards and has been found to be acceptable in principle by the relevant statutory consultee.
100. The Local Planning Authority has no evidence to suggest that the development would result in conditions contrary to paragraph 116 of the framework. While it is acknowledged that Ethelbert Road is of limited width and informal construction, the introduction of a single dwelling is not considered to result in a level of vehicular movement or intensification that would give rise to either a severe cumulative impact or an identifiable risk to highway safety.
101. Furthermore, the proposed access arrangements and parking provision ensure that vehicles can enter and leave the site in a safe and practical manner, without giving rise to conflict with other users of the private road. It is also relevant that Ethelbert Road already accommodates residential properties, and the proposed development is compatible with the established pattern and intensity of use.
102. Concerns often raised in connection with development of this nature, such as increased noise, dust, or disruption to neighbours are noted. However, given the small scale of the proposal (a single dwelling), any increase in such impacts would be minimal and temporary during the construction phase. These do not constitute demonstrable planning harm and would not be sufficient to justify refusal of the application, particularly in the absence of any objection from the Highway Authority.
103. In light of the above assessment, it is concluded that the proposal provides adequate off-street car parking and satisfactory access arrangements in line with the Council's adopted parking standards and Development Management Plan Policies DM1, DM3, and DM30. There is no technical objection from the Highway Authority, and the proposal does not conflict with paragraph 116 of the framework. The development would not result in a severe impact on the local road network, nor pose an unacceptable risk to highway safety. Accordingly, the proposal is considered acceptable in highways and transportation terms.

Drainage

104. 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, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Flooding

105. 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.

Refuse and Waste Storage

106. 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.

Trees

107. Policy DM25 of the *Rochford District Council Development Management Plan* (2014) provides a clear framework for the protection and enhancement of trees and woodlands, with particular emphasis on safeguarding Ancient Woodland. The policy states that development proposals resulting in the loss, deterioration, or fragmentation of tree cover or woodland—either directly or indirectly—will only be supported where it can be robustly demonstrated that the benefits and necessity

of the development clearly outweigh the ecological, landscape, and amenity value of the existing features. Furthermore, appropriate mitigation measures must be secured to reinstate the nature conservation value of the affected areas. Where such loss is unavoidable, compensatory provision must be made through the replacement of trees or woodland of equivalent ecological or amenity value and/or area.

108. In relation to the current application, it is acknowledged that a number of trees and areas of vegetation are present within the site. Although the submitted site plan (drawing No. 205 Revision 02) identifies some of these features, the coverage is incomplete and does not provide a comprehensive representation of existing tree cover. In order to establish whether any of the trees benefit from statutory protection, the Council's internal GIS mapping system was consulted. This confirmed that none of the trees on the site are subject to Tree Preservation Orders (TPOs), and the site does not lie within a designated Conservation Area. As a result, the trees are not protected under current planning legislation, and their removal would not require prior consent from the Local Planning Authority outside of the planning process.
109. In the absence of statutory protection and without evidence to suggest that any of the trees are of significant arboricultural, landscape, or ecological value, their presence is not considered to pose a material constraint to development. Nevertheless, to ensure a proportionate and informed approach, the Council's Arboricultural Officer was consulted. Their professional assessment concluded that the trees at the front of the site offer some visual amenity but are generally young specimens with limited arboricultural merit, and that replacement planting would be a viable mitigation option. Trees to the rear of the site are less visually prominent, and it is likely that some of these could be retained as part of the development. The Arboricultural Officer recommended that a tree protection plan and arboricultural method statement be submitted, in accordance with BS 5837:2012, to identify which trees are to be retained and how they will be safeguarded during construction.
110. Taking these considerations into account, it is concluded that the proposal, as submitted, does not conflict with the objectives of Policy DM25. However, in recognition of the site's existing soft landscape character and the need for sensitive integration of the development into its surroundings, it is considered both appropriate and necessary to impose a condition requiring the submission of a detailed landscaping scheme. This should include replacement planting where relevant to mitigate the incidental loss of vegetation and to contribute to the long-term environmental quality and visual character of the area. In addition, a separate condition will require the submission and implementation of a tree protection plan and arboricultural method statement to ensure retained trees are adequately protected during construction activities.

On-site Ecology

111. Paragraphs 192 – 199 of the framework indicate 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.
112. 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.
113. 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.
114. The case officer notes that no ecological appraisal has been submitted with the application. The proposal involves the construction of a new dwelling, with no alterations or demolition works planned for the existing dwelling on the site. The site consists of a maintained domestic garden, including a mown lawn, various shrubs and plants, and areas of hardstanding. The applicant has completed the statutory bat declaration form, indicating that the proposed development is not expected to adversely affect bats in the local area. In light of these factors, it is considered unlikely that the site supports protected species.

Off Site Ecology

115. 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.

116. 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 one additional dwelling

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

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

- No

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

- No

117. 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.

118. 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.

BNG

119. 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.
120. 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.
121. 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

122. 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.

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

124. 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

125. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Ashingdon Parish Council: No comments received.

Essex County Council Highways Authority: No objection the new vehicle access will be located on Ethelbert Road which is a private road. A minimum of two off-street parking spaces should be provided for the dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Arboricultural Officer: The trees to the front of the site, whilst proving reasonable visual amenity value, are generally young specimens with little arboricultural merit, replacement planting is a viable option. Those to the rear are less prominent, it is likely that some can be retained as part of the development proposal. I would suggest a tree protection plan and arboricultural method statement be supplied to show which trees are to be retained and how they will be protected during the development phase. The detail should be supplied in accordance with BS 5837.

Cadent Gas: No objection subject to informative.

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) – CP1, GB1, GB2, ENV9, T3, T6.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – 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 (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

- 2 The Development hereby approved shall be carried out in total accordance with the approved plans 205 Revision 02 (Block Plan) (as per date stated on plan 26th March 2022), 204 Revision 01 (Sections) (as per date stated on plan 26th March 2022), 203 Revision 01 (Streetscene) (as per date stated on plan 26th March 2022), 202 Revision 02 (Proposed Floor Plans, Elevations and Roof Plan) (as per date stated on plan 4th March 2025) and 201 Revision 02 (as per date stated on plan 4th March 2025).

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

- 3 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.

- 4 The external materials to be used in the construction of the development shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building/structure is acceptable.

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

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

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

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

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

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

- 7 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.

- 8 Prior to any works above slab level, a Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for bespoke species enhancements; and
- b) locations, orientations and heights for bespoke species enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

- 9 Prior to the first occupation of the dwelling hereby approved, details of the surface treatment of the vehicular access and parking/turning area to the front of the property shall be submitted to and approved in writing by the Local Planning Authority. The approved surface treatment shall include provision for a durable, hard-surfaced finish using materials that are permeable or provision for suitable drainage to prevent surface water runoff onto the public highway. The works shall be carried out in full accordance with the approved details prior to the first occupation of the dwelling and shall be retained thereafter for the lifetime of the development.

REASON: To ensure a satisfactory standard of development, in the interests of visual amenity, highway safety, and to reduce the risk of surface water flooding, in accordance with Policy DM1 and guidance advocated within the National Planning Policy Framework (NPPF).

- 10 No development shall commence until a Method Statement and Tree Protection Plan, prepared in accordance with BS 5837:2012, has been submitted to and approved in writing by the Local Planning Authority. These documents shall detail protection measures for all trees to be retained within the site. Furthermore, prior to any demolition, groundworks, or construction activities, photographs demonstrating the installation of tree protection barriers and ground protection measures shall be submitted to the Local Planning Authority to confirm compliance. The development shall be carried out in full accordance with the approved Method Statement and Tree Protection Plan. All agreed tree protection measures shall remain in place until all construction works are completed and all building materials/plant have been fully removed from the site.

REASON: To ensure the protection of retained trees during the course of development, in accordance with Policy DM25.

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