



PLANNING APPLICATIONS WEEKLY LIST NO. 1776
Week Ending 26th September 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 30 October 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **1st October 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.

Glossary of suffix's:-

Outline application (OUT), Full planning permission (FUL), Approval of Reserved Matters (REM), S106 legal obligation modification (OBL), Planning in Principle (PRINCI), Advertisement Consent (ADV), Listed Building Consent (LBC).

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Application No :	25/00488/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Great Wakering Parish Council
Ward :	Foulness And The Wakerings
Location :	Crouchmans Court Poynters Lane Great Wakering
Proposal :	Rebuild original extension and convert existing vacant barn into 2No. Commercial Units with associated car parking (class E)

SITE AND PROPOSAL

1. The site comprises a vacant, single storey barn finished in partially painted brickwork with a tiled roof. The existing barn is situated to the east of the units as Crouchmans Business Yard. Access to the barn is taken via the business yard through an undercroft to an unnamed road that leads to Poynters Lane to the south.
2. The site is located in the Metropolitan Green Belt, with undeveloped fields immediately to the north and west. To the east is Crouchmans Business Yard comprising business units and one unit as a non-residential institution, and to the south are residential properties.
3. The proposal seeks permission to rebuild an extension and convert the existing vacant barn into 2No. commercial units with associated car parking.

RELEVANT PLANNING HISTORY

4. No relevant planning history.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of the Development

7. The lawful use of the site is agricultural. This application proposes to change the use of the site to Use Class E as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended), providing a flexible unit for commercial, business and/or services. The site is located immediately to the west of an established small enterprise, Crouchmans Court Business Yard, and the application site is proposed to be an extension of the business enterprise, with access required through the yard.
8. Policy ED1 of the Council's Core Strategy affirms "*...the Council will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity*". The Rochford District Economic Growth Strategy (RDCGS) 2025-2028 identifies key actions to increase business occupancy and attract new businesses to the district, providing modern commercial space.
9. Employment opportunities in the Green Belt are supported in Policy DM13 of the Council's Development Management Plan which highlights the reuse or adaption of existing agricultural and rural buildings in the Green Belt subject to appropriate scale, design and siting that would not harm the character of the countryside and protect nature conservation interest.
10. Therefore, subject to the assessment below, the principle of the development can be found acceptable as it complies with policy ED1 of the Core Strategy and Policy DM13 of the Development Management Plan.

Green Belt considerations

11. The application site is located wholly within the Metropolitan Green Belt, as defined in the adopted Rochford Local Development Framework Allocations Pan Proposals Map (2014). Policy GB1 of the Core Strategy seeks to protect the Green Belt. It is imperative to establish if the proposal is inappropriate development in the Green Belt and whether there are any other considerations sufficient to clearly outweigh the harm caused by the development in this Green Belt location. Additionally, it is important to consider the impact on the character and appearance of the surrounding area, neighbouring occupiers and highway safety.
12. Paragraph 143 of the National Planning Policy Framework (2024) (as amended) (NPPF) is of particular relevance which states that Green Belt serves 5 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. Paragraph 153 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

13. Paragraph 154 of the NPPF sets out that the construction of new buildings is inappropriate in the Green Belt unless the proposal would fall under one of the specified exceptions which are;
 - a) Buildings for 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.
14. It is considered the proposed development would fall within exception (c) of paragraph 154 subject to it not representing disproportionate additions. To assess whether a development would represent disproportionate additions, the original floorspace of the building is understood to be as it was on 1st July 1948, or as it was if constructed after this date.
15. Moreover, Paragraph 154 exception h) of the NPPF 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 in paragraph 154.
16. There is no planning history associated with the existing building to determine its original floorspace. As stated within the supporting text for Policy DM13, where there are no original plans or plans for extensions

in the planning records, the Council will assume that the current building is original.

17. A review of aerial images from May 2025 shows the lean-to structure that has been demolished and following a site visit, confirmed that the footings and slab of the demolished extension is still in situ. The proposal seeks to erect a new extension and would not create additional floorspace above what was present in May 2025. Policy DM10 supports proposals for redevelopment of previously developed land in the Green Belt. The proposed single-storey extension would therefore not harm the openness of the Green Belt spatially and the flat roofed design would have a similar scale to the previous extension and would not visually harm the openness of the Green Belt.



(Google aerial images, dated May 2025)

18. Policy DM13 of the Development Management Plan also supports the reuse or adaption of existing agricultural and rural buildings in the Green Belt provided that:

- (i) *the application relates to an existing building of permanent and substantial construction;*

Officer comment: The existing building is finished in brickwork and concrete tiles and following a site visit, confirmed that the building is of a permanent and substantial construction.

- (ii) *the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;*

Officer comment: The proposed commercial units would utilise the existing access through Crouchmans Business Yard onto Poynters Lane. The creation of two small commercial/business units would not generate significant amounts of traffic that would materially affect the openness of the Green Belt or highway network.

- (iii) *the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;*

Officer comment: The proposal seeks an extension in place of a previous extension that would not exceed the footprint of the original building.

- (iv) *would not have an undue impact on residential amenity;*

Officer comment: The scale and nature of the proposal would not impact residential amenity in terms of appearing overbearing, loss of privacy, loss of sunlight and noise and disturbance.

- (v) *there would be no detrimental impact on nature conservation or historic environment interests;*

Officer comment: The proposed extension is not anticipated to have a detrimental impact on nature conservation or historic environment interests.

- (vi) *where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should...etc*

Officer comment: This criterion is not applicable as the proposal would not convert a nationally or locally listed agricultural and rural building.

- (vii) *The conversion of existing agricultural and rural buildings for residential uses...etc*

Officer comment: This criterion is not applicable as the proposal would not be converted for residential use.

19. Given the above, it is considered the proposal satisfies the criteria for the conversion of an existing agricultural building in the Green Belt,

would not present disproportionate additions to the original building and would not harm the openness of the Green Belt, in accordance with Policy GB1 of the Core Strategy, Policy DM13 of the Development Management Plan, and the NPPF.

Design considerations

20. The character and visual quality of the built environment are fundamental considerations under Policies CP1 and DM1. These policies collectively aim to secure development that respects the identity of local areas and contributes positively to the townscape.
21. The proposal seeks a single storey rear extension to the existing building, utilising the footings and slab from the previously built extension. The extension would be finished with brickwork and glazing to match the existing building and would have a flat roof with an approx. height of 2.9 metres that would appear subservient to the existing building.
22. The proposal would also alter the existing building, inserting an additional roof light to the front and rear, the addition of gable windows to the side/end elevations, and the addition of new doors and glazed windows to the front elevation. The alterations are considered to be modest and would facilitate two entrances, one each for the separate commercial units.
23. Overall, the proposed extension and alterations are appropriate for the proposed use and would not have a detrimental impact on the appearance of the site and surrounding area.

Residential Amenity

24. 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.
25. The nearest residential property is situated approximately 5.3m to the south of the proposed rear extension. The single storey flat roofed extension would not appear overbearing and would not create a loss of sunlight to the neighbouring property. The two rear windows in the rear extension would be at a height that would not result in a loss of privacy and the 1.8-metre-high timber fencing along the southern boundary would screen views to the neighbouring dwelling.
26. The proposed two commercial units would be of a scale that is not considered to generate a significant impact on residential amenity and would not have a greater impact than the neighbouring commercial

units. The allocated parking spaces would be approximately 18 metres from the southern boundary and not anticipated to harm amenity in terms of noise, disturbance and light.

Highways considerations

27. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
28. Whilst the units would have a flexible use under Use Class E, the supporting Planning Statement states the commercial units would be suitable for flexible employment use (Use Class E(g), or B2/B8). The Essex County Council Parking Guidance requires a minimum of 1 space per 200sqm for short-stay/visitors and 1 space per 100sqm for long-stay/employee per unit. The units are c.98sqm each, totalling a requirement of 4 car parking spaces. The proposal seeks to provide 6 car parking spaces, therefore would provide more than sufficient parking provision.
29. The existing hardstanding and yard areas are to be utilised for parking with no additional hardstanding proposed.
30. In accordance with paragraph 116 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
31. The proposal seeks to serve as an extension to the existing business use, utilising the existing undercroft through the business yard to the east to the unnamed road that leads to Poynters Lane to the south. The existing business yard would also accommodate light commercial and servicing vehicle to serve the units. The proposal would have a moderately increase the intensification of the highway and is not anticipated to have an unacceptable impact on the highway network and the Council's Highways Officer has raised no concerns.

Flooding

32. According to the Environment Agency's Flood Risk Map, the southern part of the site where the proposed extension is sited is in Flood Zone 2, where there is a medium probability of flooding from rivers and the sea. The rest of the site is in Flood Zone 1, where there is a the lowest probability of flooding from rivers and the sea.

33. Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Given the proposed extension would rebuild on the same footprint as the previous extension and the building would not be used for a more vulnerable use than existing, it is not anticipated that the proposal would increase the risk of flooding on site and the surrounding area.
34. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, in the event that planning permission is approved, it is considered reasonable to attach a condition to the decision notice requiring the submission of a satisfactory drainage scheme, in order to ensure that any surface water runoff from the site is sufficiently discharged.
35. The information proposed in the Foul Drainage Assessment, stating that foul drainage would discharge into a septic tank and not into a mains foul drainage system is acceptable.

Ecology

36. The ecological implications of the proposed development have been considered in the context of both national and local policy. Paragraphs 192 to 199 of the NPPF emphasise the importance of conserving and enhancing biodiversity, including the need to avoid significant harm to habitats and species of importance. Where adverse impacts are unavoidable, appropriate mitigation or compensation should be secured. Policy DM27 of the Rochford District Council Development Management Plan further requires that development proposals give full consideration to the potential impact on biodiversity, including both habitats and species protected under UK and local conservation frameworks.
37. In addition, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a statutory duty on public authorities to have regard to the purpose of conserving biodiversity. Section 41 identifies species and habitats of principal importance for biodiversity conservation in England, many of which are relevant in the local context. The production of the Publicly Available Specification (PAS 2010) by the British Standards Institute has further clarified the expectations on local authorities in assessing biodiversity impacts, encouraging consistency and transparency in the ecological appraisal process.
38. The case officer can confirm that the applicant has not submitted any ecological information to support their application. The case officer

considered it prudent to consult with colleagues in Essex County Council Place Services Ecology for specialist advice and who state the following:

“We note that no ecological assessments have been undertaken. As the LPA does not have certainty of likely impacts on protected species, particularly bats, a Preliminary Roost Assessment will need to be undertaken by a suitably qualified ecologist for the existing building that is to be renovated.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Great Crested Newt (GCN), European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support

the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended)”.

39. In light of the absence of ecological assessments, the LPA cannot currently determine the likely impacts of the proposed development on protected species, particularly bats and Great Crested Newts - both European Protected Species. In accordance with Government Standing Advice, ODPM Circular 06/2005, and relevant case law, this information must be obtained *prior to determination* to ensure that all material considerations have been adequately addressed.
40. Undertaking the necessary ecological surveys, including a Preliminary Roost Assessment by a suitably qualified ecologist, is essential to provide the LPA with the certainty required to assess potential impacts, secure appropriate mitigation, and ensure compliance with statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the NERC Act 2006, and the Crime and Disorder Act 1998. Failure to provide this information would place the application at risk of refusal or appeal dismissal, as established in relevant appeal decisions. Accordingly, ecological information must be submitted and considered before planning permission can be lawfully and responsibly granted.

Biodiversity Net Gain

41. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
42. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.
43. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

44. Once again, the case officer considered it prudent to consult with colleagues in Essex County Council's Place Services Ecology who stated the following:

"As this is a full application, it is subject to mandatory Biodiversity Net Gain, unless appropriate exemption can be justified. We have reviewed the information submitted and the reasons for the de minimis exemption and are not satisfied that appropriate information has been provided prior to determination and that the de minimis exemption applies. This is due to the following reasons:

The de-minimis exemption, as set out under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, applies to development that does not impact a Priority habitat and impacts less than:

- *25 square metres (5m by 5m) of on-site habitat*
- *5 metres of on-site linear habitats (e.g. hedgerows or watercourse)*

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

The Application Form claims the de minimis exemption for the following reason "An existing building and the built footprint is not extended.". However, within the Application form, the site is listed as 1200 square metres. From viewing Google Earth aerial imagery (2025), it appears that the whole site has been cleared of significant vegetation in October 2023, meaning it is possible that habitat degradation may have occurred since 30th January 2020. As a result, we recommend that the following should be provided if degradation has occurred:

- *a statement setting out that these degradation activities have been carried out;*
- *confirmation of the date immediately before these activities were carried out;*
- *the pre-development biodiversity value of the site on this date;*
- *the completed metric calculation tool showing the calculations, and*
- *any available supporting evidence of this.*

Due to the site clearance, the application is not subject to the de minimis exemption as over 25 square metres of habitat has been impacted, even excluding the area of hard standing.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The

biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. The HMMP should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years and will be required to be submitted concurrent with the discharge of the biodiversity gain condition. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved”.

45. In conclusion, given the information submitted with the application, the Local Planning Authority (LPA) is not satisfied that the development qualifies for the *de minimis* exemption under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The site appears to have been subject to significant vegetation clearance since October 2023, potentially resulting in habitat degradation after the baseline date of 30th January 2020. As such, more than 25 square metres of habitat may have been impacted, excluding hardstanding, thereby disqualifying the application from the *de minimis* exemption.
46. In the absence of sufficient evidence to demonstrate that the exemption applies, the development is subject to mandatory Biodiversity Net Gain (BNG). Accordingly, the LPA will be required to secure a biodiversity gain condition as a pre-commencement requirement, in line with paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. This will require submission of a Biodiversity Gain Plan supported by appropriate metrics, habitat plans, legal agreements, and evidence of off-site units or statutory credits if applicable.
47. Furthermore, a Habitat Management and Monitoring Plan (HMMP) must be secured for all significant on-site enhancements, with a commitment to monitor and maintain these habitats for a minimum of 30 years. This will ensure the delivery of meaningful, measurable biodiversity benefits in compliance with the statutory biodiversity objectives.

Equalities and Diversity Implications

48. 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.

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

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

CONCLUSION

51. Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Great Wakering Parish Council : No comments received.

Essex County Council Highways: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies: Policies DM1, DM2-4, DM8 DM9 of the Highway Authority's Development Management Policies.

Essex County Council Place Services Ecology: We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps and aerial imagery.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework(December 2024 revised February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ED1, ENV3.

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM13, DM25, DM27, DM30.

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

Natural England Standing Advice.

RECOMMENDATION: REFUSE

REFUSE

1. The application fails to provide sufficient ecological information to enable the Local Planning Authority (LPA) to fully assess the likely impacts of the proposed development on protected species, specifically bats and Great Crested Newts, both of which are European Protected Species. In the absence of up-to-date and site-specific ecological surveys - including a Preliminary Roost Assessment for the existing building and appropriate habitat assessments - the LPA cannot be satisfied that the development would not result in harm to protected species or their habitats.

This is contrary to paragraph 99 of ODPM Circular 06/2005, which requires that the presence or likely absence of protected species and the extent to which they may be affected by a proposed development must be established prior to the granting of planning permission. The failure to provide this information is also contrary to the Government's Standing Advice on protected species and ecological surveys, and it prevents the LPA from discharging its duties under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended).

In the absence of this necessary ecological information, the proposal is also considered contrary to the principles of the National Planning Policy Framework (2024) (NPPF), which require the planning system to contribute to and enhance the natural and local environment by protecting and mitigating harm to biodiversity.

2. The application fails to demonstrate compliance with the statutory requirements for Biodiversity Net Gain (BNG), as set out in the Environment Act 2021 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant has claimed a *de minimis* exemption on the basis that the development does not extend the existing building footprint. However, insufficient evidence has been provided to justify this exemption.

Aerial imagery and site context suggest that significant vegetation clearance took place in October 2023, which may constitute habitat degradation since the statutory baseline date of 30 January 2020. As such, the development is likely to have impacted more than 25 square metres of on-site habitat, thereby exceeding the threshold for the *de minimis* exemption. In the absence of a completed biodiversity metric calculation, habitat plans, or supporting evidence of the site's pre-development biodiversity value, the Local Planning Authority cannot be satisfied that the exemption applies.

Consequently, the development is subject to mandatory BNG requirements. No Biodiversity Gain Plan or supporting documentation has been submitted to demonstrate how a measurable net gain in biodiversity will be achieved. The proposal therefore fails to comply with paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021), the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and relevant guidance on delivering biodiversity net gain.

The failure to provide this information prior to determination prevents the LPA from discharging its statutory duties and securing a biodiversity gain condition, and as such, the application is contrary to national planning policy and statutory biodiversity objectives.

The local Ward Members for the above application are Cllr. D. S. Efde, Cllr. G. W. Myers and Cllr. Mrs. J. McPherson.

Application No:	24/00801/FUL Zoning: MGB
Case Officer	Mrs. Elizabeth Milne
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	Camp Farm, Canewdon, Essex.
Proposal :	Demolish existing buildings, remove areas of hardstanding and redevelopment for 2 No. dwellings (Revised Submission).

SITE AND PROPOSAL

1. The application site comprises land and buildings at Camp Farm off Scaldhurst Lane which is to the north of Lark Hill Road, Ashingdon, Essex. The application is a revision of a previously refused application (23/01046/FUL) and it is stated within the Planning Statement Addendum submitted that the only difference between the refused application and the revised application is that the revised application is accompanied by a Planning Statement Addendum, a Preliminary Ecological Assessment (PEA), a Biodiversity Net Gain Report and a Biodiversity Net Gain Metric Calculation. In addition, the Camp Farm Bat Activity Survey Report (Richard Graves Associates, June 2025) was also provided.
2. The site measures approximately 0.9ha and although currently vacant is occupied by existing building shells and area of hardstanding. Two principal single buildings (labelled A and B on the habitat survey plan) are located along the southern boundary adjacent to the access track leading into the site. Two further building shells (labelled C and E) are located in the northeast corner of the site. In the intervening space are two smaller buildings/structures (D and G) with two further buildings/structures in the westerly part of the site (F and H).
3. The buildings are single storey in various state of disrepair with the intervening spaces a mixture of bare earth, hardstanding with sporadic vegetation.
4. Beyond the westerly boundary is a patch of woodland which comprise semi mature species with dominant ash *Fraxinus excelsior* and some elder *Sambucus nigra* and elm *Ulmus*. Ground cover included scattered hawthorn and cow parsley.
5. Planning permission is sought for the removal of the existing buildings, structures and hardstanding to then erect two dwellings with landscaping and means of access.
6. The two proposed dwellings would be positioned in the northerly (East Barn) and southern part of the site (West Barn) surrounded by garden space. Access would be taken from the existing track leading into the site where a spur would be formed to then serve each individual dwelling.

East Barn

7. The proposed dwelling measures 36.9 metres along its northern building line with a return of 13.18 metres. The dwelling is 'L' shaped in footprint with the interior side (south elevation) facing onto a sunken garden. The resulting building has a split level arrangement set on a lower ground, ground and upper floor level. The lower ground has the majority of sleeping accommodation providing five bedrooms, bathroom

space and storage space. The lower ground provides ancillary spaces such a workshop, utility room and boot room and hall. The upper ground provides the living space (dining, lounge, kitchen, games room).

8. The height of the roof ridge taken from the existing ground level is 4.68 metres. The roof profile comprises a pitch with cross gabled features above full height glazed windows. Other fenestration is on the north and east side with the majority of full height glazed windows inwardly facing towards the sunken garden.
9. An open sided ground floor level is on the west die of the barn providing covered parking spaces with the main driveway on the north side which curves around creating the spur to meet the existing access into the site in the southeast corner of the site.

West Barn

10. The proposed dwelling takes a similar approach to having a sunken garden, however, the building differs in dimension and is more rectangular in plan form.
11. The proposed dwelling measures 33 metres in length, although the southeast building line is slightly shorter taking account of a turn in the footprint. The wider part of the dwelling at the north side is 13 metres. The height to the roof ridge above ground level is 4.70 metres with the profile designed with a pitch.
12. The sunken garden is on the southwest side of the property with sleeping accommodation on the lower ground level. Ancillary spaces are again on ground level with the living spaces on the upper floor. Open sided integral parking is in the northern part of the dwelling with the driveway leading from the northside of the property, following the eastern side to then connect with the spur section and access from the southeast part of the site.

Wider site

13. It is proposed to plant a hedgerow to separate the two plots with further hedgerows at the spur junction within the site. Tree planting is proposed within the central area with two areas identified for biodiversity enhancement. The remaining areas outside of the sunken garden and access tracks are laid with grass. Existing hedgerows are shown along the north and easterly boundary.

RELEVANT PLANNING HISTORY

14. Application No. 23/01046/FUL. Demolish existing buildings, remove areas of harstanding and redevelopment for two no. detached 5 bedroom dwellings. Refused for the following reasons.

1. *The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 180 of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.*

2. *In the opinion of the Local Planning Authority the Preliminary Ecological Appraisal (PEA) which has been produced by Richard Graves Associates Ltd (dated September 2022) is out of date as the initial site walkover was undertaken in April 2020 and has not been updated. Therefore, the ecological appraisal is contrary to guidance advocated within the NPPF and with CIEEM Guidance 1 and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. Additionally, the PEA has advised further surveys are required to determine if barn owls are still roosting/nesting in some of the buildings on site which will be demolished. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. In light of the above it is considered that insufficient information has been submitted to support the development, contrary to Policy DM27 of the Development Management Plan and relevant parts of the NPPF which seek to ensure that development appropriately mitigates impacts on biodiversity.*

15. Application No. 19/00766/FUL - Demolish existing buildings and construct four detached dwellings with detached garages. Application withdrawn.

MATERIAL PLANNING CONSIDERATIONS

16. 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.
17. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt considerations

18. The National Planning Policy Framework (2024) (as amended) (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of its inappropriateness and any other harm, and that such harm is clearly outweighed by other considerations. The NPPF establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances including where limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would *inter alia* not have a greater impact on the openness of the Green Belt than the existing development as set out in paragraph 154 criterion g). The Framework does not explain what a greater impact means. An assessment of whether the proposal would have a greater impact on the openness is therefore a matter of planning judgement.
19. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

20. The matter of the Green Belt was addressed in full in the original application (23/01046/FUL). It concluded that the site is considered to meet the definition of Previously Developed Land (PDL) under paragraph 154 criterion g) of the NPPF. The proposed dwellings were not considered to be larger than the existing buildings on the site and would not have a significant adverse impact on the spatial and visual dimension of the Green belt.
21. The proposed development would therefore not be inappropriate development within the green belt which is harmful by definition and the proposal is thus considered acceptable.

Design and form

22. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and that proposals should contribute positively to making places better for people.
23. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
24. The two dwellings would be spatially comfortable within the site providing a degree of separation from the site boundary and between the built form. The buildings would take the form of an atypical agricultural building in the countryside with glazed elements that respect the overall height above ground level. While there is to be a notably change on the elevations that inwardly face the sunken garden, the lower ground façade would not have a significant impact on visual amenity. The upper ground, inevitably with more presence within the landscape is considered to not be untoward to the rural character which is prevalent in the wider area.
25. The proposal overall is considered to not significantly harm the character and appearance of the area and in design terms it is considered expedient to secure appropriate material to ensure the external finishes assimilate into the site and wider landscape. Further conditions can secure an appropriate landscape scheme to ensure the building and site edges are harmonious within the surroundings.

Impact on amenity

26. The Council's Policy DM1 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. This is echoed in Paragraph 135 (f) of the NPPF which 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.
27. 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.
28. The proposed dwellings and the intervening relationship by reason of its scale, depth, height, and siting is considered acceptable. The proposed development is not considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of loss of light, overlooking or overbearing impact. The proposal is compliant with DM1 of the Development Management Plan 2014.
29. The host property is considered to provide sufficient amenity space to support the dwelling with the proposed development in place to accord with SPD2.

Living Conditions for Future Occupiers

30. 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.
31. Rochford District Council has existing policies relating to 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 2015 Ministerial Statement.

32. 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.
33. The proposed dwellings would have a GIA of approximately 211sqm and the floor area of the bedrooms and built-in storage would exceed the required size. The proposed dwellings are therefore compliant with the standards stated within the Technical Housing Standards 2015 document.
34. 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.
35. 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.
36. 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 dwelling house. Paragraph 135 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Garden Size

37. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwellinghouse. For residential dwellings a minimum garden area of 50m² is required for one and two bedroom dwellings. A garden area of 100 square metres is required for three bedroomed dwellings. This standard may be reduced where the site adjoins a public open space giving easy access to a convenient recreation alternative.

38. According to the submitted plans the proposed development includes 2 No. five bedroomed properties, with rear private amenity space which well exceed the standards of the SPD.

Sustainability

39. The applicant's agent acknowledges that the application site is situated down a rural track and amenities and facilities within 800m of the site area limited. The agent also infers that if the application is permitted it will help to contribute to the local economy through the creation of jobs during the construction phase and residents of the properties will be able to utilise local goods and services.
40. 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.
41. The applicants supporting statement stipulates that the site location and its connections with the wider area, offer access by bike. With respect to pedestrian access walking offers the greatest potential to replace short car trips, particularly those under 2km and is generally considered the maximum acceptable distance to directly access any local facility or amenity. The supporting statement goes on to state that *"The 800m distance is considered to represent a reasonable and acceptable walking distance to access local retail, education, and employment destinations. There are limited facilities and amenities within 800m of the site and the lack of pedestrian footways is recognised and as such pedestrian access to the site is limited. In consideration of the above, the site is suitably located in accessibility terms by cycle and as such provides opportunities for access via means other than the private car to a wide range of services and amenities and as such confirms its suitability as a reasonably sustainable location for residential development"*.
42. Policy DM10 promotes sustainable transportation modes such as cycling, and it is considered that the surrounding roads in the vicinity are of a good quality and due to the relatively flat nature of the area are considered readily accessible by cyclists. The supporting statement states that within "... five-kilometres [of the application site] ...includes the whole of the built area of Hawkwell, Ashingdon and Hockley and its wide range of associated facilities and services". It is considered that the site is relatively accessible by cyclists which is a sustainable mode

of transport, and the case officer considers a condition relating to cycling provision is reasonable and the proposal broadly complies with the aims and objectives of policy DM10.

43. The agent has inferred that an important material consideration is the creation of new jobs associated with the construction process. Whilst it is acknowledged that there would be an economic benefit arising during both the construction and occupation stages from the additional spending and the employment this would support, this would only be brief during the construction period. Additional dwellings could also support use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development.

Highways and parking

44. Paragraph 115 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
45. Vehicular and pedestrian access is taken from Lark Hill Road, a classified road subject to a 40mph speed limit via an existing unmade track. The track also serves Scaldhurst Farm to the east of the site.
46. The access point onto Lark Hill Road has the benefit of visibility in accordance with current standards for the 40mph speed limit along the road. The TRICS trip generation assessment demonstrates that the proposal will not have a material or significant impact in terms of highway safety or capacity on the local highway infrastructure due to very low level forecast movements that will be associated with the development.
47. It is therefore considered the proposed development would not have an adverse effect on highway safety.
48. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
49. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
50. This development would require two off street parking spaces for each dwelling complying with the dimensions as stipulated by the EPOA

parking standards. The site can accommodate 2No. off street parking spaces within the curtilage of each dwelling and therefore no objection is raised in terms of parking.

Ecology and biodiversity

51. Policy ENV1 advocates the Council will maintain, restore and enhance sites of international, national and local nature conservation importance, which include Special Protection Areas (SPAs) and Ramsar Sites. This is echoed through Policy DM27 where proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
52. To accompany the planning application the applicant has submitted a Preliminary Ecological Appraisal (PEA) which was produced by Richard Graves Associates Ltd and was updated during the process of the application, dated February 2025.

Effect on designated sites and Priority Habitats

53. The application site is 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 (SPA and RAMSAR). 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.
54. The development for two dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance.

The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

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

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

- No

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

- No

55. 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.

56. 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.

Effect on ecology and habitats within the site

57. It was considered in the previous application that there was insufficient information available for determination due to the submitted PEA being out of date and due to recommended surveys not being undertaken prior to a decision notice being issued. An updated PEA has been submitted with this revised application, dated February 2025, along with the Camp Farm Bat Activity Survey Report (Richard Graves Associates, June 2025).

58. A dusk bat activity survey was conducted in May 2025 and included a Bat Emergence Survey for the buildings on site; and Night Vision Aid Surveys which were used to facilitate detection of any bats emerging from/returning to the buildings on site. No bat roosts were detected in these surveys, however the surveys did show that at least three

species of bat use the site to either roost near, forage on or near, and commute over.

59. It is recommended that to compensate for the loss of four buildings, that four suitable crevice type boxes will be located in retained trees within the adjacent woodland. To enhance local roost provision a further four bat roost boxes including one roost box suitable to provide hibernation potential will also be located on suitable retained trees within the adjacent woodland.
60. The site was assessed for evidence of Great Crested Newts and while there were no species records in the desktop information, as there is a pond within 250m of the site the potential for Great Crested Newts to be affected by this development were considered. This was assessed using the Rapid Risk Assessment Tool (RRAT) from Natural England's GCN method statement and it concluded that the likelihood of committing an offence was highly unlikely.
61. Evidence of barn owl was found in all three of the main buildings on site in 2020. In 2022 building E could not be accessed for H&S reasons, but evidence of barn owl was found within buildings A and B as before. No barn owls were recorded within the buildings during the most recent visit. Nesting of barn owls was not confirmed and it is recommended that further checks should be undertaken prior to works commencing.
62. The PEA also recommended landscaping to include native species, a sensitively designed lighting scheme, a protection buffer created with the existing woodland and the erection of a barn owl box/tower. Further enhancement measures include planting of native hedgerows and development of rough grass margins to plots within the site, and along the woodland edge.
63. The recommended enhancement measures can be secured by planning condition in the event that planning permission is approved.

Drainage

64. The proposed buildings will drain via a piped network to an attenuation basin located to the south of the site, before flows are released at 2.0 l/s via a hydro-brake flow control into the existing watercourse. The full external hardstanding area will utilise tanked permeable paving construction which will accommodate voided Type 3 sub-base material allowing for treatment of runoff and sufficient attenuation storage volume so that the control rate of 2.0 l/s can be ensured. All foul water flows from development will gravitate to a proposed treatment station gravitating to a proposed combined water chamber before being conveyed to an existing watercourse.

65. It is considered the means of drainage are acceptable satisfying Policy DM28 and can be secured by planning condition in the event that planning permission is approved.

Flooding

66. According to the Environment Agency's Flood Risk Map the actual application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.
67. However, the access track into the site is situated within Flood Zone 3 and as such as having a high probability of flooding. The case officer for the previous application consulted colleagues in the Environment Agency who state *"From the environment Agency point of view, ... we would not comment on the application and thus would obviously not raise concerns. The issue of access and egress fall under the remit of the emergency planner"*.
68. The Councils Emergency Planner stated, in response to the previous application *"As we are only talking about small numbers of properties, they do not represent a major issue if flooded for either the Emergency Services or Rochford District Councils, as such I have no objections"*. The Emergency Planner did advise that applicants should check on the flood risk through the Environment Agency website and consider actions to improve the flood resilience of the properties depending on the nature of the flood risk. Flood resilience measures could include raising the level of the buildings, the inclusion of property level flood protection and internal flooding measures such as solid floors, raised electrics and waterproof wall plasters.

Refuse and Waste Storage

69. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a

requirement for each dwelling to be located within approximately 20 m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory

Archaeology

70. It has been identified that the site is occupied by buildings that belonged to a former WWII military camp (EHER 20761). The Historic Environment Record indicates that the WWII military camp at Camp Farm, Canewdon served as a number of different functional purposes both during and post war. The surviving buildings were once part of a greater collection of buildings that formed the original camp.
71. To ensure the development accords with the NPPF conditions have been recommended by Place Services should permission be approved for a building record to be secured and a programme of open area excavations to be approved prior to any work carried out on site.

Trees

72. 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.'
73. The application is supported by an Arboricultural Impact Assessment which identifies the site is very low quality with self-sown patches of scrub and groups of ash and elms trees at various stages of disease. The best tree on site is T24 oak and there is a semi mature woodland to the west.
74. It is proposed to remove 7 trees. This is due to their advanced stage of disease, however the remaining 17 trees will be retained. Measures are set out in the AIA to ensure the demolition of a building near T8 oak tree and a new driveway near T18 ash will not affect the root protection area and crown spread of those trees. Remaining trees will be protected by tree protection fencing during construction.
75. As such, subject to the AIA recommendations being secured by planning condition it is considered the proposal would satisfy Policy DM25.

Biodiversity Net Gain

76. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
77. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
78. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and get the condition discharged prior to commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
79. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
80. In this case the developer has indicated that the statutory biodiversity gain condition would apply and officers agree.
81. The legislation requires that some BNG information relating to pre-development habitat at the site is submitted with a planning application in order that the application can be validated. The applicant has submitted this required information. The Essex County Council Place Services ecology team have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised below.
82. Place Services Ecology have confirmed that they support the submitted updated Biodiversity Net Gain report V3 (Richard Graves Associates, February 2025), updated Statutory Biodiversity Metric – Calculation Tool (Richard Graves Associates, February 2025) and updated Statutory Biodiversity Net Gain Condition Sheets (Dr Liat Wicks, September 2024). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and

Country Planning Act 1990 and are satisfied that submitted information provides sufficient information at application stage.

83. Officers are satisfied that the required pre-decision BNG information has been submitted and as the proposal is for development to which the statutory biodiversity gain condition would apply, recommend a planning condition to advise any future developer of the need for them to discharge the statutory gain condition prior to the commencement of development.

EQUALITIES AND DIVERSITY IMPLICATIONS

84. 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.

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

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

CONCLUSION

87. It is considered that the previous reasons for refusal have been addressed in relation to protected species and RAMS, and that the application can be approved.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council: No objection.

Essex County Council Development & Flood Risk: As this site is considered to be a minor development, we do not wish to provide formal comment on this application.

Essex County Council Place Services Specialist Archaeological Advice: No objection subject to building recording and an Archaeological Programme of Open Area Excavations to be secured by planning condition.

Natural England:

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Essex County Council Place Services Ecology: No ecological objection subject to attached conditions.

Rochford District Council Arboricultural Officer: The applicant has supplied a tree constraints plan and tree survey schedule in accordance with BS 5837 2012. The details should be set against the development proposal so the impact can be determined and suitable tree protection / other mitigation provided. As yet this has not been provided and I am therefore unable to comment regarding the impact the development / demolition may have on the tree stock.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (2024) (as amended).

Core Strategy Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV1, ENV2, ENV3, ENV5, ENV9, ENV11, H1, H2, H3, T1 and T8.

Development Management Plan (December 2014) – policies DM1, DM3, DM10, DM17, DM20, DM25, DM26, DM27, DM28 and DM30.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: 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 3153-JBA-DR-A-1200 P01 (Proposed Plans – Proposed Site Plan), 3153-JBA-01-DR-A-2201 P02: (Proposed Plans – East Barn Upper Ground Floor & Roof), 3153-JBA-DR-A-2211 P02: (Proposed Plans – West Barn Upper Ground Floor & Roof), 3153-JBA-00-DR-A-3200 (Proposed Elevations East Barn), 3153-JBA-00-DR-A-3201 (Proposed Elevations West Barn), 3153-JBA-DR-A-3210 P01 (Proposed Elevations – East Barn & Sunken Garden), 3153-JBA-DR-A-3211 P01 (Proposed Elevations – West Barn & Sunken Garden), 3153-JBA-DR-A-2200 P02 (Proposed Plans - East Barn, Lower Ground & Ground), 3153-JBA-DR-A-2210 P02 (Proposed Plans - West Barn, Lower Ground & Ground), 3153-JBA-DR-A-4230 REV P01 (Proposed Plans – Site Wide Sections), 3153-JBA-DR-A-1001, REV P01 (Location Plan) and Tree Survey Plan SHA1757 TSP dated 30th January 2024.

REASON: To ensure that the development is undertaken in accordance with the approved plans.

3. No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

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

4. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To ensure archaeological historic assets are appropriately investigated and any impact on their significance appropriately mitigated to comply with the National Planning Policy Framework (December 2024) including paragraph 218 and Policy EVN1 of the Rochford District Council Core Strategy.

5. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the approved Written Scheme of Investigation (WSI) defined in condition No.4 and written confirmation of this has been issued by the Local Planning Authority following consultation with the archaeological advisors to the Local Planning Authority.

REASON: To ensure archaeological historic assets are appropriately investigated and any impact on their significance appropriately mitigated to comply with the National Planning Policy Framework (December 2024).

6. The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure archaeological historic assets are appropriately investigated and any impact on their significance appropriately mitigated to comply with the National Planning Policy Framework (December 2024) including paragraph 218 and Policy EVN1 of the Rochford District Council Core Strategy.

7. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Richard Graves Associates, February 2025 and Camp Farm Bat Activity Survey Report 2025 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

8. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Richard Graves Associates, February 2025 and Camp Farm Bat Activity Survey Report 2025), shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

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

10. The requirement at 36(2)(b) of Part G2 of the Building Regulations (2010) as amended shall be met for the dwelling(s) hereby approved such that the optional requirement of a maximum potential consumption of wholesome water by persons occupying the new dwelling(s) shall not exceed 110 litres per person per day and measures to secure ongoing compliance with this requirement shall be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

11. No development shall commence, before 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;
- precise details of tree planting method which is appropriate for trees to be planted in areas largely surrounded by hard landscaping;
- after-care plan following initial planting;
- long-term maintenance/management plan for planting;
- existing trees to be retained;
- 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. The agreed after-care plan shall be implemented and the long-term maintenance/management plan shall be implemented for a period of 5 years following initial planting. 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.

12. The development hereby permitted shall be carried out in full accordance with the submitted Arboricultural Impact Assessment prepared by Sharon Hosegood Associates ref SHA 1757 dated February 2024 and the accompanying Tree Survey Plan SHA1757 TSP dated 30th January 2024 and approved as part of this application.

All tree protection measures identified within the approved Arboricultural Impact Assessment shall be implemented prior to the commencement of the development and shall be retained for the duration of the construction works.

REASON: To protect trees and hedges to be retained and preserve the visual amenity of the area, in accordance with Policy DM25 of the Rochford District Council Development Management Plan.

PRE-COMMENCEMENT REASON: The details are required to be implemented at the pre-commencement stage because any site clearance, groundworks or construction activity has potential to cause irreversible harm to trees and their root protection areas if protective measures are not in place from the outset.

The local Ward Members for the above application are Cllr. S. Wootton, Cllr. Phil Shaw and Cllr. Mrs. L. Shaw.

Application No :	25/00085/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	Land Rear Of 1 Kings Close Kings Road Rayleigh
Proposal :	Construct chalet dwelling with new vehicular access from Kings Road.

SITE AND PROPOSAL

1. The application site is located on the north western side of Kings Road. The area is predominately residential in character and is located wholly within the settlement limits of Rayleigh. There is an eclectic mix of properties on Kings Road comprising two storey dwellings, bungalows

and chalet style properties. A wide palette of materials has been used in their construction including differing facing brick, render and various roof tiles.

2. The application site forms the rear garden of No. 1 Kings Close, which is predominately laid to lawn and contains several trees. The boundary treatment delineating the subject site comprises a 1.8m high close boarded timber fence. The application site has a frontage of roughly 13.3m and a depth of 13.2m (the site area is given as 190sq.m on the application form).
3. The proposal is for the severance of the plot and the erection of 1No. detached chalet type bungalow in the rear garden of No.1 Kings Close, which will front Kings Road. The proposal will incorporate a gable roof and dormers. The dwelling would utilise modern materials in its construction and would incorporate an area of hardstanding at the side of the property, which could accommodate 2No. vehicles with private amenity space to the rear. The design, scale and mass of the proposal is similar to 21A Kings Road, which directly adjoins the application site.

RELEVANT PLANNING HISTORY

4. There is no relevant planning history pertaining to this site but the immediately neighbouring dwelling No. 21A Kings Road was recently approved and built in near identical circumstances under applications ref: 20/01032/OUT and 21/00794/REM).

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

7. The National Planning Policy Framework (NPPF) was revised in December 2024 (and amended in February 2025) and encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development

and is indivisible from good planning and proposals should contribute positively to making places better for people.

8. The NPPF also advises that planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
9. The NPPF goes on to advise that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
10. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. However, limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached houses or 15.25m for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1m between habitable rooms and plot boundaries.
11. Policy CP1 of the Council's Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high

quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively address existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.

12. The application site is located wholly within the settlement boundary of Rayleigh. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

Housing Land Supply

13. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the NPPF. Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
14. The application proposes the severance of a portion of the applicant's curtilage for the construction of a detached dwelling. The current Annual Monitoring Review for Rochford District Council states that the authority has a 5-year housing land supply of 4.53 years and as such the authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1 No. unit) and as such if the proposal were permitted it would contribute to the existing shortfall (albeit very small) which is an important material planning consideration that cannot lightly be put aside.

Design

15. Good design is promoted by the NPPF as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
16. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have

regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).

17. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings. Regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
18. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of the building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
19. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
20. The surrounding area is characterised by a variety of housing types which includes bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey semi - detached properties. Predominately the roofscape is gabled; however, the case officer did observe a half hip property. Some of the properties incorporate dormer windows – the neighbouring property No. 21A Kings Road incorporates 2No. pitched roofed dormer windows on the front elevation. Furthermore, a rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding and under concrete tile roofs.
21. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
22. The submitted drawings confirm that the proposed dwelling achieves a minimum plot width of 13.77m exceeding the required 9.25 metres and would maintain a 1-metre separation from each side boundary. These parameters accord with the spatial requirements set out in the Council's Supplementary Planning Document 2 – Housing Design (SPD2), which seek to prevent overdevelopment, retain a rhythm of spacing, and preserve the suburban character of residential streets.

23. The applicant's Design and Access Statement draws comparisons with the recently approved dwelling at 21A Kings Road (applications 21/00370/OUT and 21/00794/REM). While every application must be determined on its own merits, this earlier approval represents a relevant material consideration, as it demonstrates how the Council has previously interpreted the same design policies in relation to scale, orientation and form within the same streetscape.
24. The proposed dwelling would be formed through the severance of the rear garden of No. 1 Kings Close and rotated to front Kings Road. Although such an arrangement could be described as backland development, the orientation and presentation of the dwelling are consistent with the emerging pattern established by 21A Kings Road. The building line has been carefully managed: a 2.4m set-back (approx.) from the frontage allows scope for soft landscaping, improving the relationship with the streetscene. While the front elevation aligns with that of 21A Kings Road, it is marginally recessed behind the flank of the host property at No. 1 Kings Close, ensuring that the development does not compete visually with the original dwelling and instead responds sensitively to context.
25. The building footprint is rectilinear, softened by projecting bay windows on the front elevation. Dimensions of approximately 6.5m deep by 9.4m wide, with a ridge height of 6m and eaves at 2.7m, ensure a modest and proportionate form. Importantly, the ridge aligns with that of 21A Kings Road, reinforcing consistency within the roofscape and avoiding disparity in the streetscene. The moderate eaves height contributes to a human scale, ensuring the dwelling will not dominate or intrude upon views from the public realm.
26. Separation distances are an important element of SPD2. On the northern boundary, a 1m wide access passage provides both physical permeability and visual relief, preventing an impression of enclosure. On the southern boundary, a more generous 2.9m separation accommodates tandem parking for two vehicles while maintaining openness between buildings. These spatial allowances are consistent with design guidance, avoiding a sense of congestion and helping the built form sit comfortably within the site.
27. Architecturally, the dwelling would adopt a restrained and contextually sensitive design language. Massing would be broken down by the articulation of bays, roof planes, and dormer features, ensuring the form does not appear monolithic. The proposed materials are traditional and locally appropriate – a brick plinth, rendered walls, interlocking concrete roof tiles, and uPVC windows and doors – reflecting the area's palette without resorting to either pastiche or incongruous innovation. The fenestration strategy would provide balance and proportion, while creating opportunities for natural surveillance along Kings Road.

28. Front-facing dormers have been carefully designed in line with the Council's SPD2 and the Essex Design Guide. Two pitched roofed dormers, each approximately 2m wide and 2.5m high, project no more than 2.6m from the roof slope. They would be set down from the ridge, pulled back from the eaves/verges, and aligned with the ground-floor bay windows, reinforcing vertical emphasis. Their subordinate scale ensures they remain secondary features, avoiding visual dominance or roofscape imbalance.
29. To the rear, a flat-roofed dormer of 4.2m width by 1.9m height is proposed, projecting 2m from the slope. Centrally located, set down from the ridge, and inset from the verges, it is subservient in form. Serving a landing only, it raises no overlooking concerns (see later in report) and will not be visually prominent from the public realm. As such, it integrates satisfactorily with the roof form without harming townscape character. This rear dormer treatment is identical to that of No. 21a Kings Road by the same designer.
30. Fenestration across the building has been arranged with balance and restraint. The principal elevation is symmetrical, with bays and dormers framing the central entrance, creating an ordered and legible façade. The rear elevation incorporates French doors and modest apertures to provide visual interest and soften the expanse of render. The flank elevations are deliberately blank to safeguard neighbour privacy.
31. The overall site layout would accommodate off-street parking to the north eastern side, private rear amenity space and opportunities for landscaping. This demonstrates that the plot is capable of supporting the dwelling without overdevelopment. Landscape enhancements to the site frontage can further assist integration into the suburban setting.
32. Internally, the dwelling offers a practical layout: a hall, storage, bathroom, kitchen/diner, and lounge on the ground floor; and two bedrooms, a WC, and landing on the first floor. This arrangement ensures an acceptable standard of amenity, consistent with contemporary living requirements.
33. When tested against the development plan and material considerations – including Development Management Plan Policy DM1, SPD2, the Essex Design Guide, and the National Planning Policy Framework – the proposal demonstrates clear compliance. It would respond positively to its site context, respect established spatial parameters, employ appropriate materials and achieve good standard of design and liveability.
34. It is acknowledged that the scheme constitutes a form of backland development. However, the emerging pattern of development on Kings Road – notably the presence of the dwelling at 21A – demonstrates that such an approach can integrate successfully where design and

layout are sensitively managed. In this case, the orientation, scale, and separation distances ensure the development would not appear incongruous or disruptive to the prevailing character.

35. In conclusion, the proposal represents a well-designed and contextually appropriate addition to Kings Road. While modest in architectural ambition, it achieves the balance required by the National Planning Policy Framework: development that is sympathetic to local character without replicating it. On matters of design, massing, spacing, and materials, the dwelling performs strongly against adopted policy and supplementary guidance. No adverse impact on character, visual amenity, or townscape coherence has been identified. On design and visual grounds, the proposal is therefore considered acceptable.

Impact on Residential Amenity

36. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in the Council's 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.
37. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent occupiers.
38. 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.
39. Para 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.

40. The proposed dwelling would be positioned approximately 4.3m from the flank elevation of 21A Kings Road, which lies to the south-west of the site. The intervening boundary is formed by a 1.8m high close-boarded timber fence, which provides an established level of screening to reduce potential visual intrusion at ground floor level. During the officer's site visit, it was confirmed that the flank elevation of 21A does not contain any windows facing towards the application site. Furthermore, plan reference 4192-02-2 confirms that no openings are proposed in the corresponding flank elevation of the new dwelling. Given the separation distance, the established boundary treatment, and the absence of fenestration on either side, it is not considered that the proposal would result in a harmful impact on the residential amenities of 21A Kings Road in terms of overlooking, loss of privacy, or overbearing effects.
41. Careful consideration has also been given to the relationship between the proposed dwelling and the applicant's existing property at No. 1 Kings Close. The new dwelling would be oriented at roughly 90° to No. 1, resulting in the flank elevation of the proposal facing the rear elevation of this property. The boundary between the two plots has not yet been defined; however, it is considered reasonable to impose a condition requiring details of a suitable boundary treatment or screening to mitigate potential amenity concerns. The submitted plans confirm that no windows are proposed within the relevant flank elevation. A separation distance of approximately 8.6m would be maintained between the rear elevation of No. 1 and the flank elevation of the proposed dwelling.
42. The Essex Design Guide (2018) requires a separation distance recommended by paragraph 1.92 between directly opposed rear elevations with habitable rooms of 25m and garden depths within the proposed plot of 15m. However, this distance can be reduced to as little as 1m where the relationship between existing and new dwellings are at an angle greater than 30 degrees. In this case the proposed siting would be at 90 degrees and resulting in a distance between the proposed dwelling and No. 1 Kings Close of 8.8m. In assessing the matter, weight has been given to local context, including the recently approved dwelling at 21A, which is positioned approximately 6m from the rear of 19 Parklands. Additionally, the relatively modest scale of the proposed dwelling, with a ridge height of only 6m, substantially reduces its potential to appear overbearing when viewed from No. 1 Kings Close. On balance, and subject to appropriate boundary treatment, the relationship is considered acceptable and would not give rise to demonstrable harm to residential amenity.
43. The relationship with No. 2 Kings Close has also been assessed. The back half of the rear garden of this property adjoins the application site, with the proposed dwelling positioned between 4.5m and 4.1m off the common boundary. This boundary is currently defined by a 1.8m high close-boarded fence. The majority of the proposed windows are

located at ground floor level, serving a lounge, bathroom and kitchen/diner, and are therefore unlikely to result in significant overlooking due to the existing screening.

44. The proposal also includes a rear-facing dormer containing a single centrally positioned window, which would serve a landing and is classified as a non-habitable room. While overlooking from such a window would not normally be considered significant, it is recommended that a condition be imposed requiring the window to be obscurely glazed and fixed shut below 1.7m in order to provide certainty and avoid any risk of overlooking the garden of No. 2. Subject to this safeguard and taking into account the modest scale of the dwelling and the setback from the boundary, it is concluded that the proposal would not result in undue dominance or overbearing impacts on occupiers of No. 2 Kings Close.
45. In relation to Nos. 32, 34 and 36 Kings Road, which are positioned opposite the application site on the far side of the public highway, the separation distance between the front elevations of these properties and the proposed dwelling exceeds 16m. Any inter-visibility between the dwellings would occur across the public realm, rather than private amenity space. It is a well-established principle that overlooking across public streets does not give rise to unacceptable harm to residential amenity. In light of the separation distance, the intervening highway, and the articulated design of the proposed dwelling, it is concluded that the impact on these properties would be negligible.
46. In summary, the proposal has been carefully designed and sited to avoid unacceptable harm to neighbouring occupiers. Although the separation distance to no. 1 Kings Close is below the standards set out in the Essex Design Guide, this is mitigated by the modest scale of the proposal, the absence of fenestration on the relevant flank elevation, and the establishment of nearby developments. Appropriate conditions requiring boundary treatments and obscure glazing will further safeguard amenity. On this basis, it is not considered that the proposal would cause significant harm to the living conditions of neighbouring occupiers in respect of overlooking, loss of privacy, overshadowing or overbearing impact. The scheme therefore accords with the principles of the Essex Design Guide, Paragraph 135(f) of the NPPF and relevant Development Management Plan policies which seek to protect residential amenity.

Living Conditions for Future Occupiers

Garden Sizes

47. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD2 advises a suitable garden size for each type of dwellinghouse. Paragraph 135

criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

48. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50m² minimum.
49. The layout submitted shows that the proposed dwelling could be provided with a rear private amenity space of approximately 55m², which is in excess of 50m² required. The proposed dwelling would satisfy the outdoor amenity space requirements set out in 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 107m².

Sustainability

50. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard.
51. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
52. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
53. A two storey dwelling which would comprise of two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 70m² or 79m², respectively. Additionally, the dwelling must have a minimum of 2m² of built-in storage. The proposed dwelling is a two-bedroomed two 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 79m².

54. The table below shows the gross internal floor area for each of the bedrooms.

Bedroom No.1	15.9m ²
Bedroom No.2	14m ²

55. According to the submitted plans both of the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Furthermore, it was noted that a storage area will be situated below the staircase which will measure approximately 1.41m². Furthermore, an additional storage area is proposed in the kitchen/diner room and this storage area is 0.64m². Cumulatively the storage areas combined equate to 2.05m², which is in accord with the aforementioned guidance.

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

57. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Overdevelopment issue raised

58. The views expressed that the development constitutes over development are noted. The development proposes 1 No. dwelling which complies with the Technical Standards requirement on gross floor space and minimum bedroom sizes and storage space. The required garden space as required by the council's Local Development Framework Supplementary Planning Document 2 House Design is achieved with adequate separation from other properties such as not to cause any demonstrable detrimental amenity impacts. Two car parking spaces would be provided in compliance with the adopted 'Parking Standards'. The frontage of the site and degree of setback are commensurate with the prevailing pattern of development within the street scene. If these were not shown to be provided or could not be

provided, this would be indicative of over development which despite the perception of overdevelopment is not the case in this instance.

Drainage

59. Development on sites such as this can generally reduce the permeability of at least part of the site and change the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the decision notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Flooding

60. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.

Refuse and Waste Storage

61. 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.

Impact on Highway Safety

62. 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.

63. In assessing the acceptability of development in relation to highway impacts, paragraph 116 of the NPPF 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.
64. The application includes a detailed layout plan (Plan Ref: 4192-02-1), which demonstrates that the proposed new dwelling would benefit from a dedicated vehicular access and egress directly onto Kings Road. Kings Road is an adopted public highway with formal surfacing. It is a functioning access route serving existing properties in the locality and the restriction to daily urban clearway for one hour 10am – 11am would not prevent access or intensification of use.
65. The proposed layout confirms the provision of at least two off-street parking spaces located at the side of the proposed dwellinghouse, arranged in a tandem parking formation 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.
66. The Local Planning Authority considered it appropriate to consult Essex County Council's Highways Authority. The Highways Authority responded stating that *"The proposal includes the subdivision of the site and the creation of a new dwelling with a vehicle access and off-street parking. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority"*.
67. The Highways Engineer has stated that if planning permission is to be approved it should be subject to the imposition of conditions relating to no unbound materials, access to be constructed in accordance with plan reference 4192-02-1, two off street parking spaces to be provided, cycle parking, residential travel information pack, reception and storage of materials and standard informatives.
68. 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.

69. The Local Planning Authority has no evidence to suggest that the development would result in conditions contrary to paragraph 116 of the NPPF. 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.
70. 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 Kings Road already accommodates residential properties, and the proposed development is compatible with the established pattern and intensity of use.
71. 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.
72. 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 NPPF. 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.

Trees

73. 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.

74. 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. 4192-02-1) 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.
75. 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 *"No objection, the existing trees are low value specimens (category C) those of little arboricultural merit"*.
76. 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.

On-site Ecology

77. Paragraph 180 of the NPPF indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation to offset the identified harm is required Policy DM27 to the council's Development Management Plan, 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.

78. 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.
79. 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.
80. The case officer notes that no ecological appraisal has been submitted with the application. However, the site comprises maintained domestic garden featuring mown lawn including various shrubs and plants and areas of hardstanding. Consequently, given the aforementioned factors it is therefore unlikely to support protected species. Furthermore, colleagues in Essex County Council Place Services Ecology have been consulted and they state *"The application included no ecological information, but a review of available data and satellite photos (May 2025) shows the site is a garden within existing housing. It is unlikely to support protected or notable species, so ecological impacts are considered minimal and no ecological survey is required"*.
81. Representations suggest the presence of a Badger Sett on the site. The site is flat and closely mown with the exception of a rectangular area that appears to have been allowed to grow longer to around 30cms or so through the summer. A single shed is raised slightly off the off the ground. There are no signs of any badger activity such as substantial earthworks pertaining to a sett. There are no signs of fur and no signs of holes in fencing to suggest badger runs. No shallow latrine pits are present despite the attraction of fruit trees or worms within the lawn area. Casual examination over the fence to the neighbouring garden shows the presence of a large out building but no signs of ground disturbance or sett entrances to chambers beneath the outbuilding. Officers are therefore satisfied that there is not the presence of a Badger Sett on the site, such that the Council can reach a decision on the application.
82. In conclusion, whilst national and local planning policy places strong emphasis on the protection and enhancement of biodiversity, including the need to consider protected species and habitats at the planning stage, the evidence in this case indicates that the site is of limited

ecological value. The garden is maintained and predominantly composed of mown lawn, ornamental shrubs, and areas of hardstanding, which are unlikely to support protected or notable species. This position is supported by Essex County Council Place Services Ecology, who confirm that ecological impacts are minimal and that no ecological survey is required. Accordingly, the proposal is considered to comply with the relevant provisions of the National Planning Policy Framework and the Local Development Framework Development Management Plan Policy DM27.

Off Site Ecology

83. 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.
84. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice, the 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

85. 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.
86. 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.

Biodiversity Net Gain (BNG)

87. With regard to mandatory biodiversity net gains, it is noted that support is given to the submitted Biodiversity Net Gain Plan (Planning Direct, May 2025) and the Statutory Small Site Metric (completed 15th May 2025). Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, and it is considered that the submitted information provides sufficient detail at the application stage.
88. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:
- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
 - b) Pre and post development habitat plans.
 - c) Legal agreement(s)
 - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
 - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).
89. It is generally satisfied that the post-intervention values are realistic and deliverable.

90. In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, it is acknowledged that post-intervention values have been provided and no significant on-site enhancements are proposed. Therefore, it is considered that an HMMP is unlikely to be required by legal obligation or as a condition of any consent for a period of up to 30 years.
91. It also recommends reasonable biodiversity enhancements should be provided for protected, Priority and threatened species, in order to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.
92. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Other Matters

93. Some residents have inferred that if the proposal is allowed it will create a precedent for similar types of development within the locality. However, in relation to planning there is nothing such as a planning precedent as 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. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, *Mann LJ in North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency" and *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and *Baroness*

94. Several residents have objected to the proposal due to concerns relating to a loss of a view and devaluation of their property. Government Guidance on what can constitute a material planning consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of view could not be material considerations. Consequently, in light of the above, issues to do with the loss of a view and devaluation of a property are not considered to be material planning considerations.
95. Other concerns raised are that if the application is approved that during the construction phase there will be significant disruption due to builder's vans, equipment, noise, access and mess. Again, the case officer notes the concerns of the objectors and appreciates that it is not uncommon for such problems to occur during the construction phase although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, for example blocking people's drives, this is a matter which can be dealt with by the Police who have the appropriate legislation and powers to free the access, the planning system is not to duplicate other legislation. Additionally, damage to the road and underlying drainage which may or may not occur whilst vehicles are dropping off building materials is a private matter and is not a sufficient justification to warrant a refusal and substantiate it at any future Appeal.
96. Concerns have been raised that the proposal may place undue pressure on existing infrastructure provision, particularly when assessed in the context of other developments within the locality. Whilst such considerations are acknowledged, it is important to note that the current proposal relates solely to the provision of 1No. additional dwelling.
97. In planning terms, the scale of the development is de minimis. The incremental demand arising from a single dwelling - whether in respect of highways capacity, education provision, healthcare, utilities, or other local services - would be negligible and comfortably accommodated within existing infrastructure networks. By comparison, infrastructure strain typically arises from cumulative impacts associated with major residential allocations or multi-plot schemes; it is not reasonable to attribute such concerns to a single dwelling of modest scale.
98. Furthermore, both national and local planning policy frameworks emphasise that development should only be resisted on infrastructure grounds where demonstrable and material harm would occur, and

where such impacts cannot be mitigated. No such evidence has been presented in this case. On the contrary, the addition of a single dwelling represents a proportionate form of growth that aligns with the principle of making efficient use of land without giving rise to adverse cumulative impacts.

99. Accordingly, it is concluded that the proposed dwelling would not result in a material or measurable impact upon existing infrastructure provision, and that concerns raised in this regard cannot be substantiated.

100. Other concerns raised in relation to the condition and maintenance of the applicant's property, the potential impact of the proposal on property values, the possibility of the dwelling being used as a rental property with associated tenant turnover, and the applicant's personal circumstances, including any intention to emigrate, are not material planning considerations and therefore cannot be afforded weight in the determination of this application.

Equalities and Diversity Implications

101. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires the decision maker 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.

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

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

CONCLUSION

104. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to no unbound materials, vehicular access constructed at right angles and width of access at the junction with the highway shall be 3.6m, two off road car parking spaces, cycle parking, residents travel information pack, reception and storage of building materials and standard informatives.

Rochford District Council Arboricultural Officer: No objection, the existing trees are low value specimens (category C) those of little arboricultural merit.

Essex County Council Place Services Ecology: We have reviewed the information submitted relating to mandatory biodiversity net gains this includes the baseline habitat map and the Small Sites Metric (Completed by D Knott Architectural Designer, February 2025).

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

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

Neighbour representations :

6 responses have been received from the following addresses;

Parklands Avenue:15.

Kings Road: 21A.

Kings Close: 2 (2 letters received), 7.

1 Unknown address.

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

- The proposal will exacerbate drainage problems in the locality
- The proposal constitutes over development
- Parking in the area is very difficult and if the proposal is allowed will make the situation worse and raises safety concerns.
- There will be a loss of a view.
- There will be a loss of trees and natural wildlife.
- The applicants property is poorly maintained and if this proposal is allowed it will reduce the value of this property further. It is likely that this property will become a rental with a high turnover of tenants and given the above there is no community benefit to the proposal.
- The proposal if allowed will make it difficult for refuse lorries and emergency vehicles etc. to access neighbouring properties in a case of emergency
- There is a badger sett at the end of the applicants garden
- One of our concerns is the significant loss of privacy that will result if this new dwelling is approved. The proposed height and placement of the new building (i.e removal of trees) would mean that three houses

will now directly overlook both our home and garden. Whilst noting that we already had other houses overlooking our property, we knew this when purchasing.

- The construction phase alone is likely to bring prolonged and excessive noise, along with dust, vibration, and other disruption. This is distressing for households with children, elderly residents, or those working from home. Even beyond construction stage, the increased density of occupation will bring with it additional traffic and general noise.
- Parking in our area is already extremely limited due to parking restrictions and smaller driveways, so the introduction of an additional dwelling particularly without adequate off-street parking provision will place further strain on this. In turn, more traffic for the road and close which raises safety concerns to us all.
- The combination of all of the above issues - loss of privacy, draining issues, increased noise, a pressure on parking, will likely have a negative impact on the value and desirability of surrounding properties, including our own.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 revised in February 2025).

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans 4192-02-1 (Location Plan, Site Plan and Section) (as per date stated on plan January 2025) and 4192-02-2 (Proposed Elevations, Floor Plans and Roof Plan) (as per date stated on plan January 2025).

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

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

REASON: To ensure that the external appearance of the building/structure is in character with nearby development and the appearance of the street scene.

4. 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. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

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

5. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.

- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

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

6. Prior to its 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.

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. The proposed window in the rear dormer of the proposed dwelling facing the rear garden of 3 Kings Close shall be glazed in obscure glass and to a window design not capable of being opened below a height of 1.7m above finished floor level prior to first occupation of the room it serves. The window shall be retained as such thereafter for the duration of the development.

REASON: In the interests of safeguarding privacy between adjoining occupiers.

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

REASON: To ensure continued control over the extent of further building on the site given the limited depth of the plot in the interests of the amenity of adjoining occupiers.

10. Prior to first occupation of the development and as shown in principle on planning drawing 4192-02-1, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

12. Prior to first occupation of the development and as shown on planning drawing 4192- 02-1, the dwelling shall be provided with two off-street parking spaces. The vehicle parking area 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 DM8.

13. 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.

14. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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

15. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

The local Ward Members for the above application are Cllr. Matt O'Leary, Cllr. D. W. Sharp and Cllr. Ms. S. J. Page.