



PLANNING APPLICATIONS WEEKLY LIST NO.1781
Week Ending 31st October 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 27 November 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **5th November 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).

Index of planning applications: -

1. Recommended Approve - 25/00413/FUL - National Grid London Road Rawreth PAGES 2-12
2. Recommend Approve – 25/00565/FUL -Outbuilding E At Alexanders Farm Lower Road Hockley PAGES 12-35
3. Recommend Approve – 25/00567/FUL - Unit 2 Airport Retail Park Southend Airport Rochford PAGES 35-43
4. Recommend Refuse – 25/00568/FUL - Land Adjacent 17 Bracken Dell Rayleigh PAGES 44-53
5. Recommend Approve – 25/00397/FUL - Land Rear Of Rivendale 326 Plumberow Avenue Hockley PAGES 53-80

6. Recommend Approve – 25/00642/FUL - Horseshoe Stables
Blountswood Road Hullbridge PAGES 80-98
7. Recommend Approve – 25/00593/FUL - Land North Of London Road
West Of Rawreth Industrial Estate Rawreth Lane Rayleigh PAGES 98-104

Application No :	25/00413/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	National Grid London Road Rawreth
Proposal :	Proposed development of a drainage connection pipe and headwall for the electrical substation and associated development, approved under planning permission reference 23/00389/FUL

SITE AND PROPOSAL

1. The subject site is a vacant flat green field directly north of the existing National Grid Rayleigh substation complex, which comprises of a number of large transformers, office buildings, plant buildings and large-scale transmission pylons. The site is bound by a hedgerow and trees to the north, beyond which lies an agricultural field containing an electricity pylon. The site is bound by vegetation to the east, as well as a hardstanding area used for storage and an access road. In addition, the site is bound by an electricity substation building surrounded by palisade fencing to the south, beyond which lies National Grid's main Rayleigh Substation, and is bound by vacant grassland to the west, beyond which lies the A130 (circa. 110m west of the site boundary).
2. The closest residential properties to the site are located circa. 280m to the northeast off Beke Hall Chase North. The site is not visible from these properties due to the intervening distance and the presence of a dense area of woodland to the south of the properties. Furthermore, there are properties off the A129 London Road circa. 410m to the north of the site. Again, views from these properties into the site would be screened by existing field boundary vegetation.
3. This application proposes a drainage connection pipe and headwall for the electrical substation and associated development, approved under planning permission reference 23/00389/FUL on land adjacent to National Grid Rayleigh Substation, Off London Road.

RELEVANT PLANNING HISTORY

4. Application No. 25/00411/FUL - Construct area of permeable crushed stone to extend a previously consented access road leading to an

electrical substation granted planning permission under reference 23/00389/FUL – Not Yet Determined.

5. Application No. 25/00573/NMA - Non-Material Amendment to application Reference 23/00389/FUL – Approved – 26th August 2025.
6. Application No. 24/00808/FUL - Proposed development of a drainage connection pipe and headwall for the electrical substation approved under Planning Permission reference 23/00389/FUL on land adjacent to National Grid Rayleigh Substation, Off London Road – Approved – 29th January 2025.
7. Application No. 23/00389/FUL - Erection of an electrical substation – Approved – 6th March 2024.
8. Application No. 21/00522/FUL - Containerised battery storage facility and associated infrastructure including access track and boundary treatment. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) - Approved - 5th November 2021.
9. Application No. 18/00305/FUL - Construction of a new hard standing access track and gated entrance to the consented Dollyman's Power and Storage Facilities off London Road and construction of gas kiosk – Approved - 20th September 2018.
10. Application No. 17/00939/FUL - Development of a 49.99 MW Battery Storage Facility with associated infrastructure and landscaping. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) – Approved - 20th December 2017.
11. Application No. 17/00942/FUL - Development of a 49.99 MW Gas Fired Electricity Generating Facility with Associated Infrastructure and Landscaping. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) - Approved - 20th December 2017.
12. Application No. 95/00345/FUL - Ground Floor Side Extension of Reception and Office Out to Line of Main Building Encompassing Existing Recessed Main Entrance Area. National Grid Substation - Approved - 16th August 1995.
13. Application No. 91/00456/FUL - Extension to office. National Grid Substation – Approved - 24th July 1991.
14. Application No. 84/00571/FUL - Erection of storage building. National Grid Substation - Approved - 5th October 1984.

MATERIAL PLANNING CONSIDERATIONS

15. 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.
16. 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

17. The latest version of the National Planning Policy Framework ('the framework') was revised in December 2024. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
18. Paragraph 11 of the framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the framework (rather than those in development plans) that protect areas (which include habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
19. The principle of erecting an electrical substation within the immediate locality has already been approved under planning reference 23/00389/FUL. Therefore, given the characteristics of the immediate and wider area, specifically the development due to previously approved and implemented energy related developments, the proposed development does not conflict with any immediate land uses in proximity. The applicants supporting statement infers that supporting infrastructure is required to provide a drainage connection pipe to serve the approved drainage system for the substation and this would run from the access road to a watercourse to the north of the access road. This infrastructure is necessary to allow the benefits of the proposed substation to be delivered.

Green Belt considerations

20. The subject site is located within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposed development needs to be assessed against local Green Belt policies and in relation to the framework. There is a general presumption against inappropriate development within the Green Belt and development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
21. Both policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt. Both policies pre-date the framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development.
22. Paragraph 143 of the framework outlines the five purposes of the Green Belt;
 - 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.
23. As previously stated, the subject site itself is located in direct proximity to other energy related infrastructure, also located within the Green Belt. One of the key objectives of the designated Green Belt is to restrict any material merging of neighboring towns (in this case, Rayleigh and Wickford) – and it is noted that the relatively modest parcel of land is located circa 1.3km east of the built-up area of Wickford and approximately circa 1km west of the built-up area of Rayleigh.
24. Notwithstanding the above, for the following reasons it was accepted that the erection of the substation amounted to 'very special circumstances' due to the enabling of a connection to the National Grid Rayleigh Substation for future renewable energy development (in addition to the stated justification of location, which is best suited due to the location beside an existing substation to avoid transmission losses, and the existing substation's suitability to accommodate future connections due to capacity) at a time of national need for energy security and supporting the deployment of renewable energy generation.

25. Consequently, it had been demonstrated that ‘very special circumstances’ existed for the consented substation scheme, where the benefits of delivering infrastructure required to enable future energy connections for renewable energy to National Grid’s Rayleigh Substation have been accepted to clearly outweigh any harm to the Green Belt.
26. Whilst the proposal would compromise new development adjacent to the consented site, it is considered very modest in extent. The proposed drain will have a 9.6m run (approx.) and be set underground (except for the headwall to allow outfall into the adjacent watercourse, which would be set on its bank and thus not widely visible) and thus having no discernible visual impact on the openness of the Green Belt, and no conflict with purposes of the inclusion of the land within the Green Belt. Accordingly, it is considered that there would be no significant harm arising from the proposed development to the openness or purposes of including land within the Green Belt.
27. Furthermore, it is considered that the benefits of facilitating the consented supporting infrastructure for net zero development (the consented substation) would clearly outweigh the limited harm as a result of the proposed development.
28. The drainage connection pipe is necessary for the operation of the approved substation and would allow the wider benefits of this scheme to be delivered. The benefits of the substation scheme have been recognised in its approval, and this proposal would contribute toward those benefits and thus would also comply with policy GB1 of the Rochford Core Strategy and guidance advocated within the framework.

Design and Impact on the Character of the Area

29. Policy CP1 of the Council’s Core Strategy and Policy DM1 of the Council’s Development Management Plan are applicable to the consideration of design and layout. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (paragraph 131 of the framework).
30. Paragraph 135 of the framework states that planning policies and decisions should ensure that developments inter alia are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting etc.
31. The proposed drainage connection pipe is required to connect the approved surface water drainage system for the substation and access

road to a suitable discharge point. The proposed discharge point is the watercourse to the north of the site. The proposed drainage connection pipe would be entirely underground within a dug trench. As such, the impacts on the existing grassland would be temporary whilst the trench is dug and following this, the above ground vegetation would be reinstated with species rich grassland, which would be conditioned accordingly, in the event that planning permission is approved.

32. According to the submitted plans and supporting information the proposed drainage connection pipe would be approximately 9.6m in length from the access road to the watercourse to the north, to a headwall on the bank of the adjacent watercourse. The proposed headwall will be constructed predominately out of concrete and the drainage pipe will slightly protrude. The proposed headwall will butt up to an existing headwall. As such the design of the headwall is similar to the adjacent headwall with a utilitarian and functional appearance.
33. The design of the development is primarily led by its functional requirements and would be complimentary to existing development at the adjacent National Grid substation. It is therefore considered that the proposal is of a compatible scale and appearance to the existing infrastructure and accords with Policies DM1 and CP1.

Impact on Residential Amenity

34. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
35. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
36. The closest residential properties to the site are located circa 280m to the north-east off Beke Hall Chase North. Furthermore, there are properties off the A129 London Road circa 370m to the north of the site. Views from these properties into the site would not be visible due to the intervening distance and screening afforded through the existing

field boundary vegetation and the presence of a dense area of woodland to the south of the properties.

37. It is considered given the scale and nature of the proposal it will not have any significant detrimental impact upon the residential amenities of other properties in the locality in terms of overlooking, overshadowing, and over dominance. Therefore, it is considered that the proposal is compliant with Policy DM1 of the Development Management Plan.

Built Heritage

38. The closest designated heritage assets to the proposed development are the Grade II listed 'Beke Hall' located circa 350m south east and the Grade II listed 'War memorials at Dollyman's Farm' located 390m south west.
39. The Council's Historic Environment Team were consulted on an earlier planning application for the sub-station, and they raised no objection to that application, stating that "due to distance and lack of visibility/intervening development is not considered to contribute to the significance of the heritage assets". Consequently, given that the majority of the proposal will be situated below ground and only element visible is the proposed headwall, which measures approximately 2.2m wide by 0.6m high and will be located within a bank adjacent to a similar sized headwall. Therefore, given the scale and nature of the proposal and the intervening distances the proposal is not considered to result in harm to their significance.
40. The proposed development is therefore in accordance with the guidance contained within the framework and Planning Practice Guidance (PPG) in relation to built heritage.

Drainage & Flood Risk

41. Advice advocated within the framework states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.
42. In order to support their application, the applicant has submitted a Flood Risk Assessment (FRA), prepared by KRS Enviro and dated September 2025, in support of a proposal for the installation of a drainage connection pipe and associated headwall. The application site lies within Flood Zone 3a, as defined by the Environment Agency, which indicates a high probability of flooding from fluvial sources.

43. The FRA identifies that the primary source of potential flooding is fluvial, associated with a nearby drainage ditch. However, the assessment concludes that the actual risk to the proposed development is low. During a 1 in 100-year flood event, including a 25% allowance for climate change, the site is expected to experience only shallow flood depths and low flow velocities. The infrastructure proposed – namely a pipe and headwall – is considered to be resilient to such conditions and unlikely to be significantly affected by flooding.
44. A secondary source of potential flood risk has been identified in the form of surface water flooding, although this is also assessed as low risk. The scale and nature of the proposed works are such that they would not increase surface water runoff or impact the wider drainage regime.
45. The FRA confirms that the development would not lead to a loss of flood storage capacity, would not alter the existing topography of the site, and would not obstruct or divert existing overland flow routes or conveyance paths. As such, it is considered that the proposed development would not increase flood risk either on-site or elsewhere.
46. The use is classified as ‘water-compatible’ under the definitions set out in the National Planning Policy Framework (NPPF). Such uses are appropriate within Flood Zone 3a, subject to a satisfactory FRA. It is considered that, given the limited scale and low-risk nature of the works, that the proposal satisfies the requirements of the Sequential and Exception Tests set out in the framework.
47. On this basis, there are no objections to the development on flood risk grounds, subject to any conditions recommended by the Lead Local Flood Authority or Environment Agency where applicable.
48. The case officer considered it prudent to consult colleagues in the County Council’s sustainable drainage team “SuDs” who state that *“...As this application is for the construction of a drainage pipe and headwall, the applicant would need to apply for Ordinary Watercourse Consent”*. The development and Flood Risk Officer goes on to enunciate that *“...If the applicant is proposing to amend the discharge location from the previously approved scheme (24/00404/DOC), we would then be in a position to comment on the application”*, and an informative will be attached to the decision notice bringing this to the applicants attention, in the event that planning permission is approved.
49. In addition to the above, colleagues in the Environment Agency were consulted and they state *“...We have inspected the application as submitted and have no objection to the proposed development on flood risk ground. The applicant may require an Environmental Permit in order to undertake their work”*.

Trees

50. Policy DM25 of the of the Council's 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.'

51. No trees or existing landscaping features would be lost as a consequence of the proposed development.

Biodiversity Net Gain

52. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.
53. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed, officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
54. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

55. 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.

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

57. 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

58. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments or observations to make.

Essex County Council SuDs: As this application is for the construction of a drainage pipe and headwall, the applicant would need to apply for Ordinary Watercourse Consent via this link: <https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/apply-for-a-watercourse-consent/>

If the applicant is proposing to amend the discharge location from the previously approved scheme (24/00404/DOC), we would then be in a position to comment on the application.

Environment Agency: We have inspected the application as submitted and have no objection to the proposed development on flood risk ground. The applicant may require an Environmental Permit in order to undertake their work.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

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

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) - Policies GB1, GB2, CP1, T1, T8.

Rochford District Council Local Development Framework Development
Management Plan (December 2014) – Policies DM1, DM5, DM11, DM25,
DM27, DM30.

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 2792-02-13 (Location Plan) (as per date stated on plan May 2025), 2792-02-14 (Block Plan) (as per date stated on plan May 2025), 2792-02-15 (Location Plan) (as per date stated on plan May 2025) and Section Headwall Detail Drawing.

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

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

Application No :	25/00565/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Outbuilding E At Alexanders Farm Lower Road Hockley
Proposal :	Retention of retrospective dwelling

SITE AND PROPOSAL

1. The application site comprises a single storey building, constructed with timber cladding, corrugated roof and upvc windows. Access is taken through the wider farming enterprise, that the site forms a part of, onto Lower Road to the east.
2. The wider site, also owned by the applicant, comprises a detached bungalow, agricultural buildings and a caravan. A pond is located east of the bungalow and another pond is situated south-west of the bungalow. The site is in the Green Belt and outside the established settlement threshold. The application site is located in the Crouch and Roach Farmland character area, which is made up of low-lying mudflats, salt marsh, and restored marshlands, including grazing marsh, that are connected to narrow estuaries that go far inland. Arable farming lies in an undulating terrain between the estuaries and their immediate margins.
3. Planning approval is sought for retrospective replacement dwelling at Alexanders Farm.

RELEVANT PLANNING HISTORY

4. Application No. 22/00333/DPDP3M - Application to determine if prior approval is required for a proposed Change of Use of Agricultural Buildings to three Dwellinghouses (Class C3) – Deemed Consent - 13.12.2024.
5. Application No. 22/00891/FUL - Erection of 2 No. three bedroomed bungalows (in lieu of prior approval application ref: 22/00333/DPDP3M, undetermined by the Authority) – Permitted - 14.08.2024.
6. Application No. 12/00624/LDC - Application for Certificate of Lawfulness for Continued Occupation of Dwelling for at Least 10 Years Without Compliance Agricultural Occupancy Condition – Permitted - 07.12.2012.
7. Application No. 86/00571/FUL – Removal of Agricultural Occupancy Condition (Condition 3 of Planning Consent ROC/632/80). – Refused - 21.11.1986.
8. Application No. 84/00185/FUL – Extend Permission to Site Residential Caravan – Approved - 23.03.1984.

MATERIAL PLANNING CONSIDERATIONS

9. 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.

10. 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

11. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the National Planning Policy Framework (NPPF). Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, then planning permission should be granted unless the application of policies in the NPPF (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
12. The application site is located wholly within the Metropolitan Green Belt. Both policies GB1 and GB2 of the Council's Core Strategy seek 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.
13. The NPPF at paragraph 154 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. Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed in paragraph 154 exception (h).
15. The submitted Planning Statement states that the site historically comprised a caravan in the mid-1980s for temporary accommodation whilst the main bungalow was built. A review of the planning history confirms the bungalow was constructed in the 1980s and occupied by the Chittenden family. Permission was granted in 1984 to extend the presence of the caravan on site. Aerial imagery provides the earliest evidence of a timber chalet in place of the caravan in December 1999 which was not granted permission. According to the statement, the applicant's family occupied the timber chalet from 2009 to 2023. In 2023, the chalet was replaced with a dwelling which is the subject of this application. The Planning Statement states that the site has been permanently occupied by the applicant's son but that there are still internal works required to make it into a habitable dwelling.
16. The retrospective development replaces the previous 'chalet' that did not have permission and there is a lack of evidence that the 'chalet' was utilised for residential use beyond undated photographs within the submitted Planning Statement. As the lawful use of the site is agricultural, the site cannot be defined as previously developed land. As such, the proposal cannot fall within any of the exceptions set out in NPPF paragraph 154.
17. 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, including harm to its openness. Footnote 55 adds an exception to this for development on previously developed land or grey belt land, and where development is not inappropriate.

Grey Belt land

18. Paragraph 155 of the NPPF 2024 states the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of the following apply:
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.
19. The glossary of the NPPF defines grey belt land as:
- “land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.*
20. Paragraph 143 of the Framework 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.
21. As previously stated, the existing use of the site is agricultural thus the site cannot be classed as previously development land. Therefore, an assessment is required for any other land to ensure it does not strongly contribute to any of purposes (a), (b), or (d) of Paragraph 143.
22. The site is located on the edge of the built-up area of the wider site and the neighbouring parcels of land also have areas of built-up areas of development that are separated by undeveloped fields. Given the relatively small-scale retrospective dwelling and semi-rural location, it is considered that the development does not initiate an unrestricted sprawl of large built-up areas therefore not contributing to purpose (a) of paragraph 143.

23. The settlement of Hockley is located approx. 700m from the application site to the south and approx. 1.2km from the settlement of Ashingdon. The application site would not contribute to neighbouring towns merging into one another due to its distance from the neighbouring settlement boundaries and small-scale of development as proposed. The proposal would therefore not contribute to purpose (b) of paragraph 143.
24. The application site is also not located in close proximity to historic towns. As such, the proposal would not harm the setting and character of historic towns and does not contribute to purpose (d) of paragraph 143.
25. Overall, the parcel has limited contribution to the Green Belt. The application site is situated in a parcel of land that has some built form and hardstanding, limiting the degree of openness. The siting and small scale of the retrospective dwelling would not strongly contribute to purposes (a), (b), and (d) and can be defined as grey belt land.
26. Footnote 7 relates to Paragraph 11 of the NPPF which states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.
27. Footnote 7 states the policies referred to are those in this NPPF (rather than those in development plans) relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.
28. The proposal is not considered to impact any of the designations or sites outlined within Footnote 7 as though allocated Green Belt in 2014, the site now satisfies the test of Grey Belt as introduced in late 2024.
29. In terms of whether there is an unmet need for the type of development proposed, new local housing need figures (calculated using a revised Standard Method) were published for LPAs alongside the revised NPPF (December 2024). A recent appeal decision issued in June 2025, Appeal Ref. APP/B1550/W/24/3357529, set out that the Council cannot achieve a five year supply of deliverable housing and can only demonstrate a 4.53 year supply. This figure will be updated annually. Therefore, there is a demonstratable unmet need and accords with criterion (b) of NPPF paragraph 155.

30. In terms of a sustainable location, Criterion (c) requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.
31. Paragraph 110 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
32. Paragraph 115 goes on to state in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
33. As set out in the supporting Planning Statement and recently approved application on the wider site, LPA ref. 22/00891/FUL, it is acknowledged the site is in a reasonably isolated location. However its location on Lower Road connects the area to Hockley, Battlesbridge and Canewdon with Hockley offering a range of services including health care, entertainment, food and leisure, shops and community facilities. The site is also approx. 600m, being in walkable distance, to the nearest bus stops which provide connections to Shoeburyness, Rayleigh, Ashingdon, Leigh-on-Sea and Rochford. The proposal would also utilise the existing access and the traffic associated with one dwelling would not create a significant impact on the highway network. Therefore, the proposal accords with criterion (c) of NPPF paragraph 155.
34. Criterion (d) in NPPF paragraph 155 relates to the 'Golden Rules' requirements set out in paragraph 156-157. NPPF paragraph 156 relates to major development and paragraph 157 relates to affordable housing. Both are not applicable for this small scale application.
35. Paragraph 155 of the NPPF requires all criteria to be met in order for the proposal to not be considered inappropriate, the development is

therefore considered to be appropriate within the Green Belt and is thus acceptable in principle.

36. For completeness, it is important to note that paragraph 155 does not require a separate assessment of impact on Green Belt openness. Footnote 55 to the Framework confirms that where development falls within the scope of paragraph 155, it should not be regarded as harmful to openness. Accordingly, the proposal is not inappropriate development in the Green Belt and there is no requirement to demonstrate that the proposal complies with any of the exceptions specified in paragraph 154.

Design

37. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
38. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
39. Whilst the National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
40. Moreover, 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 (paragraph 139).
41. The retrospective single storey dwelling measures approx. 13.8m x 10.2m, with a pitched roof at a ridge height of 4.2m and eaves height at 2.6m. The height of the dwelling is lower than the neighbouring garage and whilst dimensions of the demolished chalet have not been

provided, the retrospective dwelling is sited in the same location as the chalet and is not anticipated to have a detrimental impact on the character and appearance of the area.

- 42. The dwelling is finished in horizontal shiplap timber boarding, profiled metal sheeting roof with timber soffit and eaves, and white Upvc windows and doors. The materiality utilised is appropriate for the agricultural character of the site and is not visible from the streetscene.
- 43. Immediately adjacent to the dwelling is stone flagged to the front with timber decking to the side. The rest of the site is a mixture of grass and aggregates, with existing hedgerow to the north boundary to be retained. The landscaping associated with the dwelling would be appropriate for the site.

Residential Amenity

- 44. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
- 45. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal.
- 46. The scale, height and siting of the retrospective single-storey dwelling would not adversely impact neighbouring amenity in terms of appearing overbearing, result in overshadowing and would not create a loss of privacy. Overall, the proposal is not anticipated to create an unacceptable impact on neighbouring residential amenity.

Living Conditions of Future Occupiers

Garden Size

- 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-bedroomed dwellings which shall have an area of 50m² minimum.
49. The proposal does not detail any private amenity space and does not detail any boundary treatment to separate the dwelling from the agricultural enterprise and agricultural buildings in close proximity. To ensure appropriate landscaping is provided for the occupier of the dwelling for their enjoyment and privacy, a condition is recommended for the details of the landscaping to be submitted and agreed in writing by the local planning authority.

Technical Housing Standards

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 rationalise 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 described space standard (NDSS).
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 the 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. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space whilst double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. The table below shows the Gross Internal Floor area for each of the bedrooms as labelled on the submitted plans (all measurements are approximate).

Bedroom 1	18 sqm (including 2.2sqm of storage)
Bedroom 2	14 sqm
Bedroom 3	10 sqm

54. Whilst Bedroom 3 is illustrated as a double bedroom, it falls below the minimum floorspace for two bedspaces. Therefore, bedroom 3 should be considered appropriate for 1 bedspace only. Taking this into account, the dwelling provides adequate internal floorspace in line with the NDSS for 2No. double bedrooms and 1No. single bedroom.
55. A one storey dwelling comprising 3 bedrooms to accommodate up to 5 people requires a minimum Gross Internal Floor Area (GIA) of 86sqm. According to the submitted plans, the GIA of the proposed dwelling equates to approximately 128m², as such, the proposal exceeds with the minimum specified technical standards.
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.

Other Matters

58. It is noted within the submitted plans that Bedroom 3 would have one window with obscure glazing. Obscure glazing for a habitable room is not usually appropriate as it does not provide reasonable outlook for the occupier of the site. However, given the views and proximity to the existing boundary treatment and vegetation to the north of the site, there would be limited outlook, therefore obscure glazing would not deter from the amenity for the occupier of bedroom 3 more so than clear glazing.

Highways

59. 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.

60. Essex County Council Parking Guidance (2024) requires that development provides off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application is deemed to have 'very low' connectivity and therefore for a 3- bedroomed dwelling, 2No. parking spaces are required and for which there is space on the site.
61. 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.
62. The proposed layout plan indicates that there would be space to the front of the building for two parking spaces. A condition would be required to ensure that space for two car parking spaces is retained at all times.
63. It is considered that any intensification resulting from the provision of one new dwellinghouse, in addition to the two recently approved dwellings adjacent to the site to utilise the same access, is not deemed to be of such severity that would warrant refusal of the application. The Highways Engineer has recommended several conditions to be attached to the decision should planning permission be granted. The recommended conditions were originally drafted in a format appropriate to a development yet to commence. However, as the proposal is retrospective in nature, the case officer has amended the wording of the relevant conditions accordingly and omitted those - such as those relating to the receipt and storage of materials - that are not considered necessary or reasonable in this instance.
64. Overall, it is considered there are sufficient car parking arrangements and appropriate access arrangements. The proposed development therefore accords with the Parking Standards and policies DM1, DM3 and DM30 of the Development Management Plan and the NPPF.

Refuse and Waste Storage

65. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclables (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 bin to be located within approximately 20m (drag distance) from any collection point. In this case, the walkable distance to the bin storage location would be approx. 85 metres from the building and would need to move the bins over 40 metres to the highway. This is not a reasonable distance for bin collection and should the application be favourable, a condition would be required to adequately demonstrate a bin store or collection point can be located a maximum of 20 metres distant from the highway.

Flooding and Drainage

66. 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.
67. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the 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 that should the application be favourable, a condition would be attached to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Trees

68. Policy DM25 of the of the Council's Development Management Plan 2014 states that:

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

Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental

impact through the replacement of equivalent value and/or area as appropriate.'

69. There are no significant trees within the application that will be affected by the proposed development. Nevertheless, the case officer considered it prudent to consult with the arboricultural officer who stated *"No objection. The photos provided in the ecological report show some low value coniferous trees and hedgerows, nothing noteworthy"*. In light of the aforementioned consultation response it is considered that the proposal complies with policy DM25.

Ecology on site

70. The National Planning Policy Framework (NPPF) (paragraph 180) emphasises the importance of avoiding harm to protected species and their habitats. Where impacts cannot be avoided, appropriate mitigation or compensation must be secured. In line with this, Policy DM27 of the Council's Development Management Plan requires proposals to consider the impact of development on the natural landscape, including protected species and habitats.
71. National policy also requires the planning system to contribute to and enhance the natural environment by minimising biodiversity loss and delivering measurable net gains where possible. Development proposals should therefore take account of both national and local biodiversity priorities, including the UK Biodiversity Action Plan (UK BAP) and relevant Local Biodiversity Action Plans (LBAPs) at both district and county levels.
72. The publication of the Publicly Available Specification (PAS 2010) by the British Standards Institute (BSI) has provided clear guidance for local authorities to meet their statutory duty to conserve biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. PAS 2010 standardises the way this duty is interpreted at the planning stage and supports better understanding of the information required from applicants. Section 41 of the NERC Act identifies 56 habitats and 943 species of principal importance for biodiversity conservation in England, many of which are legally protected. While the presence of protected species remains a material planning consideration, a site's overall biodiversity value must also be assessed.
73. In support of this application, the applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by Essex Mammal Surveys (authored by John Dobson, dated July 2025). The report concludes that the site consists of paved and gravelled hardstanding with areas of mown grass. Existing trees and hedgerows are to be retained. Although the site does not offer suitable habitat for species such as Harvest Mouse, Otter, Water Vole, Hazel Dormouse,

or White-clawed Crayfish, there is potential for presence of Common Toad and Hedgehog—both species of conservation concern.

74. To mitigate potential harm during any construction works, it is recommended that open trenches be either covered overnight or equipped with escape ramps, and that they are checked daily for the presence of trapped animals. The report also recommends retaining existing gaps in site boundaries to maintain foraging routes for hedgehogs and amphibians. Where new fencing is to be introduced, wildlife access gaps of at least 13cm x 13cm should be provided to facilitate movement. These can be created by removing a brick at ground level, cutting a hole in the fence, or digging a channel underneath.
75. In terms of biodiversity enhancement, the following reasonable measures are recommended:
- Installation of two bird nesting boxes on existing trees or buildings;
 - Placement of a hedgehog nesting box along a vegetated boundary;
 - Installation of two solitary bee hives, ideally made from FSC-certified timber and sited in a sunny, sheltered position near suitable forage and soil.
76. These enhancements align with the NPPF's objective of achieving measurable biodiversity net gains and contribute to habitat provision for local wildlife, including pollinators and protected species.
77. The case officer consulted the County Council's Ecologist, who reviewed the submitted ecological assessment in the context of potential impacts on protected and priority species and habitats. The ecologist confirmed that sufficient ecological information has been provided to enable a sound determination of the application and that appropriate mitigation and enhancement measures have been identified.

Off Site Ecology

78. 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.
79. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess

if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one new 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

80. 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.

81. As a competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

Biodiversity Net Gain

82. Biodiversity Net Gain (BNG) is a statutory requirement introduced under Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021, requiring most new development to deliver a minimum 10% measurable improvement in biodiversity. This obligation is supported by the Biodiversity Gain Requirements (Exemptions) Regulations 2024, which set out specific circumstances in which developments may be exempt from the requirement to deliver statutory BNG.
83. In this case, the applicant has stated that they consider the proposed development to fall within one of the statutory exemptions. The proposal involves the construction of a single dwelling, which has been indicated to be a self-build project, located on a site measuring less than 0.5 hectares. Following a detailed assessment of the planning submission, a site visit, and consideration of the site context, officers are satisfied that the development qualifies for exemption from the statutory BNG requirement. The proposal meets the criteria outlined in paragraph 17 of Schedule 7A of the 1990 Act and the 2024 Exemptions Regulations, specifically as it comprises a self-build dwellinghouse on a small-scale site. Consideration was also given to whether the proposal could qualify as de minimis or retrospective development, although the self-build exemption appears most directly applicable.
84. To ensure that the exemption has been correctly applied and that the Local Planning Authority's (LPA) approach is consistent with statutory duties and national policy, consultation was undertaken with the County Council's ecological advisors at Place Services. The ecology consultee confirmed that, having reviewed the submitted application form and the nature of the proposed development, the scheme is exempt from the 10% BNG requirement. This confirmation is based on the proposal being for a single self-build dwelling on a site of less than 0.5 hectares, as explicitly covered by the Exemptions Regulations. However, to ensure that the exemption remains valid, they advised that a planning condition may be appropriate to require that the dwelling be occupied by a person or persons who had a primary input into its design and layout, and who will reside in the property for a minimum of three years. This would align with the definition of self-build and custom housebuilding as set out in relevant legislation and government guidance, and would prevent misuse of the exemption by speculative developers.
85. Although the development is exempt from mandatory BNG, the applicant has proposed a series of biodiversity enhancements intended to benefit protected and Priority species.

86. These measures, whilst separate from the statutory BNG framework, are supported by officers and the Council's ecology consultee. They are considered to be reasonable and proportionate enhancements that reflect the expectations of paragraphs 187(d) and 193(d) of the National Planning Policy Framework (December 2024), which require developments to minimise impacts on biodiversity and provide net gains where possible. To ensure these enhancements are implemented and secured appropriately, it is recommended that a condition be imposed requiring submission and approval of a Biodiversity Enhancement Strategy prior to commencement. This approach supports the LPA's wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which places a duty on public authorities to have regard to the purpose of conserving biodiversity.
87. As the development is confirmed to be exempt from the statutory biodiversity gain condition, a planning informative is also recommended to make this clear for the benefit of the applicant and any future developer or landowner. This informative should state that, in accordance with the relevant legislation, the statutory BNG requirement does not apply to this permission and therefore does not need to be discharged prior to commencement.
88. In summary, the proposed development qualifies for exemption from the statutory BNG requirement due to its scale and status as a self-build dwelling. The application has been assessed against the relevant legislative and policy context, with specialist ecological advice sought to ensure robustness. Appropriate biodiversity enhancements have been proposed and should be secured through condition. This approach ensures the development remains policy-compliant, proportionate, and consistent with the LPA's legal biodiversity responsibilities.

Equalities and Diversity Implications

89. 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.
90. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

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

CONCLUSION

92. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Ashingdon Parish Council: As retrospective, object to application on the grounds that existing restrictions must still apply.

Rochford District Council Arboricultural Officer: No objection. The photos provided in the ecological report show some low value coniferous trees and hedgerows, nothing noteworthy.

Essex County Council Highways Authority: The impact of the proposal is acceptable to the Highways Authority subject to conditions relating to 2 off street parking spaces, cycle parking, reception and storage of building materials and standard informatives.

Essex County Council Place Services Ecology: We have reviewed the Ecological Survey Assessment (Essex Mammal Surveys, July 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

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 : No responses received.

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, GB1, GB2, ENV9, T3, T6.

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

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The Development hereby approved shall be carried out in total accordance with the approved plans numbered 3807-PA-10 Existing Plans & Elevations (received by the Local Planning Authority 31st July 2025), Block Plan (received by the Local Planning Authority 31st July 2025), and Existing/Proposed Bin Storage Location (received by the Local Planning Authority 31st July 2025).

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

2. Within 6 calendar months of the date of this permission or such time limit as may be agreed, the dwelling shall be provided with a minimum of two off-street parking spaces, constructed and laid out in accordance with the standards in place at the time of development. The parking spaces shall thereafter be retained in the approved form and kept available at all times for the parking of vehicles associated with the dwelling.

REASON: To ensure that adequate off-street parking provision is maintained in the interests of highway safety and in accordance with Policy DM8.

3. Within three months of the date of this permission, details shall be submitted to and approved in writing by the Local Planning Authority confirming the provision of cycle parking in accordance with the EPOA Parking Standards. Such details as may be agreed shall be implemented within 6 calendar months or such time limit as may be agreed, of the date of this permission. The approved facility shall be secure, covered and conveniently located, and shall thereafter be retained in this form at all times.

REASON: To ensure appropriate cycle parking is provided and maintained in the interests of highway safety and amenity, in accordance with Policy DM8.

4. Within three months of the date of this permission, details of the position, design, materials and type of boundary treatment erected (or to be erected, where not yet in place) shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented within 6 calendar months or such time limit as may be agreed, of the date of this permission. The boundary treatment shall accord with the approved details and shall thereafter be retained and maintained in that form at all times.

REASON: To ensure that the boundaries of the development are appropriately designed and screened in the interests of visual amenity and the privacy of occupants, in accordance with Policy DM3 of the Council's Local Development Framework Development Management Plan.

5. Within three months of the date of this permission, details confirming the provision of a refuse collection point located not more than 20 metres from the highway shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented within 6 calendar months or such time limit as may be agreed, of the date of this permission. The refuse collection point shall accord with the approved details (or existing provision, where appropriate) and shall thereafter be retained and maintained for use in connection with the dwelling at all times.

REASON: To ensure that an appropriate refuse collection point is provided within a reasonable distance of the highway, thereby reducing the need for refuse vehicles to wait or manoeuvre on the highway, in the interests of maintaining the free flow of traffic and highway safety.

6. Within three months of the date of this decision, a detailed drainage scheme for the site, including measures for the sustainable disposal of surface water (using Sustainable Drainage Systems where feasible), shall be submitted to the Local Planning Authority for approval in writing. The approved drainage scheme shall thereafter be implemented in full within a timescale to be agreed as part of the submission and shall be retained and maintained as approved for the lifetime of the development.

REASON: To ensure that the development does not result in increased risk of flooding on-site or elsewhere, and to promote the use of sustainable drainage systems, in accordance with national and local planning policy.

7. Within three months of the date of this decision, a comprehensive scheme of hard and soft landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall include details of:
- Existing trees, shrubs, and hedgerows to be retained;
 - Schedules of all proposed planting, including species, sizes, densities, and spacing;
 - Areas to be grass-seeded or turfed, including ground preparation measures;
 - Hard surfacing materials and paved areas;
 - Existing and proposed site levels, including contours and cross-sections where relevant;
 - Means of enclosure and all boundary treatments;
 - Vehicle parking, access, and circulation areas;
 - Details of minor structures (e.g., furniture, play equipment, refuse and storage units, signage, lighting);
 - Existing and proposed above- and below-ground services (e.g., drainage, utilities, manholes, cables, pipelines, and associated infrastructure).

The approved scheme shall be fully implemented during the first available planting season (October to March inclusive) following the date of approval, or in accordance with a phased programme to be agreed in writing by the Local Planning Authority. Any tree, shrub, or hedge planting (including any replacement planting) which is removed, dies, becomes severely damaged or diseased within five years of planting shall be replaced in the next available planting season with the same species and in the same location, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure appropriate landscaping of the site in the interests of visual amenity and to secure biodiversity and environmental benefits, in accordance with adopted planning policies.

8. Within three months of the date of this decision, a scheme detailing the implementation of the ecological mitigation and biodiversity enhancement measures set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Essex Mammal Surveys, authored by John Dobson, dated July 2025) shall be submitted to the Local Planning Authority for approval in writing.

The scheme shall include:

- Measures to safeguard Common Toad and Hedgehog during any groundworks, including provision of escape ramps in any open trenches and daily checks;
- Retention of existing gaps along site boundaries to facilitate movement of amphibians and small mammals, or where new

fencing is proposed, incorporation of wildlife access gaps measuring a minimum of 13cm x 13cm;

- Installation of two bird nesting boxes on suitable trees or buildings within the site;
- Installation of one hedgehog nesting box along a vegetated boundary;
- Installation of two solitary bee hives in appropriate locations with suitable orientation and proximity to forage and bare soil.

The approved scheme shall be implemented in full within a timescale to be agreed as part of the scheme and shall be retained and maintained as approved for the lifetime of the development.

REASON: To ensure the development provides appropriate ecological mitigation and biodiversity enhancement in accordance with the National Planning Policy Framework, Policy DM27 of the Local Development Framework, and the Council's duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

9. The dwelling hereby approved is retrospective and has been assessed as a self-build dwelling within the meaning of "self-build and custom housebuilding" as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). The first occupation of the dwelling shall be by a person or persons who had a primary input into the design and layout of the dwelling and who shall occupy the dwelling as their sole or main residence for a minimum period of three years from the date of first occupation.

Within 28 days of the date of this decision, the Local Planning Authority shall be notified in writing of the identity of the first occupier(s) and confirmation of their involvement in the design and layout of the dwelling.

REASON: The development has been granted planning permission on the basis that it qualifies as a self-build dwelling and is therefore exempt from the mandatory 10% biodiversity net gain requirement under the Environment Act 2021 and associated regulations. This condition is necessary to ensure that the exemption is validly applied. If the dwelling does not meet the criteria for self-build, the development would be subject to the statutory biodiversity net gain requirements.

10. Within three months of the date of this permission, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist and in line with the recommendations of the *Ecological Survey Assessment* (Essex Mammal Surveys, July 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:

- The purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve the stated objectives;
- Locations of proposed enhancement measures illustrated on appropriate maps and plans (where relevant);
- The persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant).

The approved measures shall be implemented in accordance with the approved details within a timeframe agreed by the Local Planning Authority and shall thereafter be retained and maintained in that form.

REASON: To secure biodiversity enhancements for protected, Priority and threatened species and to enable the Local Planning Authority to discharge its duties under paragraph 187(d) of the National Planning Policy Framework (2024) and Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

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

Application No :	25/00567/FUL Zoning : Retail
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Unit 2 Airport Retail Park Southend Airport
Proposal :	Use of Unit 2 as a foodstore with associated comparison sales.

SITE AND PROPOSAL

1. The application site is a two-storey retail shed located at Airport Retail Park, an established out-of-town retail destination with 8,500m² of floorspace, with occupiers including Pets at Home, Dreams, Argos, Tapi, Home Bargains, B&M Bargains, Next and Sports Direct. A McDonald's drive through restaurant is located adjacent the shared car park for the units and facing Rochford Road.
2. The unit shares a large car park that fronts the units at Airport Retail Park to the south east. To the rear of the premises to the north west is a service road and beyond that is Southend Airport. The unit sits within the row of retail sheds, with its immediate neighbour to the north west is Argos, with Dreams to the south west.

3. The unit is currently vacant, previously occupied by Carpetright.
4. The proposal seeks permission for Unit 2 Airport Retail Park to be used as a foodstore with associated comparison sales.

RELEVANT PLANNING HISTORY

5. Application No. 25/00508/FUL - Installation of mezzanine floor. – Permitted 09.10.2025.
6. Application No. 25/00352/FUL - The construction of a single storey flat roof extension to rear of premises, siting of AC plant to roof of extension with edge protection, creation of bin store at ground level, forming of 2 no. openings in external wall for AC pipework/vent grills, forming of new door opening etc. – Permitted 02.07.2025.
7. Application No. 25/00344/FUL - Installation of 2 no. new full height and 1 no. half-height shopfronts complete with automatic bi-parting entrance doors – Permitted 25.06.2025.
8. Application No. 25/00343/ADV - High level internally illuminated sign to front elevation, replacement vinyl's/panels to existing totem pole, replacement panels to existing sign beneath canopy and loading bay sign to rear elevation – Permitted 09.07.2025.
9. Application No. 97/00486/ADV - Display of Two Internally Illuminated Signs and Four Internally Illuminated Poster Panels – Permitted 24.02.2000.
10. Application No. 97/00079/FUL - Internal Access Road Alterations (Including New Roundabout) as a Revision to Previously Approved Scheme RM/0341/96/ROC – Permitted 15.05.1997.
11. Application No. 97/00017/REM - Construction of Non-Food Retail Warehouse, Garden Centre and 450 Space Car Park (Reserved Matters - Amended Scheme) – Permitted 10.03.1997.
12. Application No. 96/00442/FUL - Site Remediation (Decontamination) and Services (Utilities) Diversion Works (Engineering Operations Pursuant to Applications RM/0340/96/ROC and RM/0341/96/ROC for Retail Warehouse, Garden Centre and Car Park) – Permitted 16.10.1996.
13. Application No. 96/00341/REM - Construction of Non-food Retail Warehouse, Garden Centre and 450 Space Car Park – Permitted 16.10.1996.

MATERIAL PLANNING CONSIDERATIONS

14. 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.
15. 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

16. The proposal seeks for Unit 2 to operate as a foodstore with associated comparison sales. The unit forms part of the wider retail park that was granted permission, LPA ref. 97/00017/REM, for a non-retail warehouse and garden centre, with a condition restricting the sales of food, drink, tobacco, soap or household cleaning materials other than food or drink sold only in a cafeteria or canteen which is ancillary to the use of any building on the land to ensure an acceptable impact on the established pattern of shopping in the area. In 1997, an appeal granted a variation to the condition to allow for the sale of tobacco, soap and household cleaning materials. Units 5 and Unit 6 within the retail park have previously been granted permission to allow for the sale of food and drink in association with the specific tenant.
17. The key matter to address is whether the proposed use would significantly harm the vitality and viability of Rochford town centre. The vacant unit is proposed to be occupied by The Food Warehouse, operated by Iceland Food Ltd (Iceland). Iceland has recently received permission for internal and external works to the building, including an internal mezzanine to facilitate the operation of the unit as a foodstore.
18. Policies RTC1 and RTC2 prioritize retail development within town centres, safeguarding the retail character and function of the centres. Policy RTC2 applies a sequential approach to retail development with the intensification of uses in existing out-of-town retail parks considered inappropriate.
19. Paragraph 94 to the NPPF states that the local planning authorities should require a retail impact assessment where proposals for retail development, outside of town centres, provide a gross floorspace of at least 2,500sqm where there is no locally set threshold. To assess this proposal, there is no locally set threshold and the proposal falls under the gross floorspace for a retail impact assessment to be required. Nevertheless, the Council's Retail & Leisure Needs Assessment (RLNA) recommends an assessment for proposal over 400sqm which will have a bearing on future policies in the emerging Local Plan which

is currently at the early stages of preparation and has no weight in this application.

20. The submitted retail impact assessment concludes the impact on the town centres vitality and viability of Southend-on-Sea, Rochford, and Hockley to be negligible, acknowledging that several retailers at Airport Retail Park are also within town centres and would not directly compete. The Council's Strategic Planning and Economic Regeneration Officer confirms the submitted Retail Impact Assessment is based on the Retail & Leisure Needs Assessment (RLNA) 2022 which was the latest version at the time the planning application was submitted. Given the significant changes and uplift to housing need methodology and the general changes to national retail trends since 2022, it would be prudent to base the assessment on the latest evidence in the updated RLNA 2025, adopted July 2025. In response, the Agent submitted a rebuttal with updated figures. The Strategic Planning Officer has reviewed and provided no further comments.
21. The submitted Planning and Retail Statement confirms that whilst Iceland usually operates in town centre locations, The Food Warehouse differs in that they tend to be larger units that provide an expanding product range, including chilled and frozen food, fresh produce, branded grocery items and a selection of beverages and alcoholic drinks, enabling customers to bulk buy a mix of budget lines and competitively priced premium products. There would also be a non-food offer, proposing 20% of floorspace at Unit 2 for comparison goods for seasonal goods and special buys. The Airport Retail Store has been identified by Iceland as an ideal site with car parking in close proximity to the unit to allow easy transportation of goods from shop to car. The submitted information clarifies the business model and scale requirements of The Food Warehouse, and how there are no available sites that would be suitable to accommodate the tenants' needs in a town centre location that would provide appropriate floorspace, parking and servicing arrangements.
22. It is acknowledged no suitable unit exists within Rochford Town Centre. In terms of Hockley Town Centre, the Strategic Planning Officer identified Units 17-19 (totalling 1,973 sq.m) are currently being advertised to let in Foundry Business Park although would likely require significant work and the presence of a large food store in the context of wider regeneration in Hockley is a longer-term timeframe. Therefore, the proposal to change the use of the existing unit at the Airport Retail Park provides an immediate short term solution to revitalise the vacant unit and generate employment and additional footfall to the area. Also, Southend City Council have provided no comments on the proposal, therefore it is considered that there are no concerns with the proposal having an impact on Southend-on-Sea.
23. Overall, the current vacant unit provides an immediate term opportunity for Iceland Food Ltd (Iceland) to occupy the site and meet the needs of

the business. The proposal would not amount to unsustainable economic growth and have a detriment impact on the viability and vitality of nearby town centres, and the principle of development is acceptable. To protect the long-term viability and vitality of nearby town centres, a condition is recommended that the floorspace proposed for the sale of food, drink and comparison goods is linked to the occupier and would need to be reassessed should another business occupy the site.

Impact on the Character and Appearance of the Area

24. 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.
25. The proposal is solely for the change of use of the unit and does not propose any internal and external alterations. As such, the proposed change of use would not result in harm to the character and appearance of the area in accordance with Policy CP1 of the Core Strategy and DM1 of the Development Plan, the relevant objectives of the NPPF.

Impact on Residential Amenity

26. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
27. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
28. The Council's GIS mapping confirms that the nearest residential properties lie to the south of the application site, at a distance exceeding 100m. Given the nature of the proposed use in a retail park location with a large car park separating the unit from residential properties, the proposal is not anticipated to cause undue harm to neighbouring amenity in terms of noise and disturbance.

29. The operational hours applied to Unit 2 are set out in Condition 4 of the latest variation of condition application to the outline permission, LPA ref. 12/00772/FUL. The proposal does not seek to alter the operational hours for the unit, therefore they remain appropriate for this use.

Impact on Highway Safety

30. Policy DM1 of the Council's Development Management Plan requires 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.
31. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
32. The site is well-connected to public transport connections and there are no material highway implications associated with this proposal.
33. The Council's Strategic Planning team state that the site is not well-connected to the remainder of Rochford District by walking and cycling routes, given the busy nature of Southend Road and narrowness of footways. Essex County Council and Rochford District Council have recently finished a Local Cycling & Walking Infrastructure Plan (LCWIP), which has now been published. Southend Road to Harp House Roundabout forms part of proposed Route 2, connecting Rochford/Ashingdon to the Airport and Southend, and the Strategic Planning team consider it to be appropriate to seek contributions to delivering this route from major proposals along it, particularly where they are likely to be major trip generators. Whilst it is anticipated that the proposed change of use will increase trip generation to the retail park, the existing and proposed use both fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) in an established retail park. As such, the impact of the proposal on the existing walking and cycling routes would not be significant and a contribution to the delivery of improvements that are outside of the application site are not considered necessary or reasonable for this proposal this failing the tests required.
34. It is noted the site is located on the boundary of Southend City. The Southend City Council have had an opportunity to respond to the proposal and no comments have been received.
35. The Essex County Council Highways team have raised no objection and state that the proposal is acceptable from a highway and

transportation perspective. The proposal is in accordance with the parking standards as set out in the Parking Standards Design and Good Practice Supplementary Planning Document and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

Equalities and Diversity Implications

36. 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.

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

38. 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

39. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comment to make on this application.

Rochford District Council Strategic Planning and Economic Regeneration: The proposal has been reviewed in the context of the Retail & Leisure Needs Assessment (RLNA) 2025, adopted in July 2025, alongside the Council's Core Strategy policies RTC1 and RTC2, and the Economic Growth Strategy 2025–2028.

The RLNA identifies limited short-term capacity for new convenience retail floorspace in the District up to 2033, with a modest surplus emerging toward 2043 (+141 to +1,422 sqm depending on growth scenario). Rochford currently experiences significant leakage of convenience expenditure to neighbouring authorities, indicating potential to 'claw back' trade through improved local provision. The updated RLNA also notes that while there is no immediate need for major new retail allocations, longer-term opportunities should be identified to meet residual demand.

Policies RTC1 and RTC2 require a sequential approach to retail development, prioritising town centre and edge-of-centre locations before considering out-of-centre sites. The NPPF (paras. 91–92) reinforces this hierarchy and stresses the need for accessible, well-connected sites. Out-of-centre retail parks are generally discouraged unless sequentially justified and sustainably accessible. Given the scale of the proposal (982–1,157 sqm gross), a Retail Impact Assessment (RIA) is considered appropriate, consistent with the RLNA's recommendation for assessments of schemes exceeding 400 sqm.

The applicant's RIA, based on the 2022 RLNA, forecasts a 2.78% reduction in Rochford Town Centre's convenience turnover, equivalent to a 10% diversion of trade. While this appears modest in quantitative terms, the impact on small independent retailers and market traders could be disproportionate, particularly given Rochford's current vacancy rate (over 10%). It is therefore recommended that the RIA be updated using the 2025 evidence base to ensure robustness.

The applicant's sequential assessment concludes that no suitable or available sites exist in Rochford or Hockley Town Centres. However, the Council notes that the Hockley Area Action Plan (HAAP) identifies capacity for up to 3,000 sqm of new retail floorspace within the Eldon Way Opportunity Site, which could accommodate a large food store as part of a regeneration-led scheme. While this may not be immediately deliverable, it represents a longer-term sequentially preferable option that should be acknowledged.

From a transport and accessibility perspective, while the site is served by public transport, pedestrian and cycling connectivity to the wider District is poor. Contributions towards the delivery of the Local Cycling and Walking Infrastructure Plan (LCWIP) Route 2 would be appropriate to improve sustainable travel links. Consideration should also be given to recent changes to Airport access arrangements that may increase traffic at Harp House Roundabout.

In summary, the proposal offers economic benefits through job creation (20–25 FTEs) and improved retail choice for residents. However, concerns remain regarding the potential retail impact on Rochford Town Centre, the reliance on out-of-date evidence, and the limited sustainable transport connections. Further assessment and mitigation of these issues would be required to ensure the proposal accords with the aims of the Core Strategy, NPPF, and Economic Growth Strategy, particularly the emphasis on town centre regeneration and sustainable development.

Essex County Council Highways Authority: The adjacent highway network is protected by parking restrictions. Pedestrians can access the site via existing footways. The proposal will use the existing shared private car park and is accessed via a roundabout on private land. The adjacent Harp House roundabout falls under Southend City Council's authority and any impact is for their consideration. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Southend City Council: No comments received.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

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

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – policy CP1, RTC1, RTC2, T1, T3, T8.

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

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

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced SLP-2025-U2ARP (Location Plan) and BP-2025-U2ARP (Block Plan).

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

3. The use hereby permitted shall only be open for trading between 0800 hours and 2000 hours Monday to Saturday and 1000 hours to 1800 hours on Sundays and Bank Holidays.

REASON: In the interests of the amenity of nearby residential occupiers.

4. The sale of food, drink and comparison goods shall only apply to Iceland Food Ltd. If at any time the unit ceases to be occupied by Iceland Food Ltd no part of the unit shall be used for the sale of food, drink or tobacco other than that sold in a cafeteria or canteen which is ancillary to the use of any building on the land.

REASON: To protect the vitality and viability of the town centre of Rochford in accordance with Policy RTC1 of the Council's Core Strategy 2011.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.

Application No :	25/00568/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	Land Adjacent 17 Bracken Dell Rayleigh
Proposal :	Variation of condition of No. 1 (approved plans) pursuant to Reserved Matters Consent reference 24/00830/REM (Application for Reserved Matters consent for details of access, appearance, layout, landscaping, and scale in respect of the development of 2 no. bungalows pursuant to outline planning permission reference 2); for the repositioning of the dwelling to plot 2 and to include additional land within the garden of the dwelling to plot 2.

SITE AND PROPOSAL

1. The application site is located to the rear of dwellings fronting Bull Lane, Alexandra Road, Louise Road and off the end of Bracken Dell. Bracken Dell loops round from accessing from Louise Road to the rear of these properties. The application site is located wholly within the residential envelope of Rayleigh.
2. The dwellings along Bracken Dell are detached two storey properties. The dwellings have a fairly uniform design and appearance and are mostly finished with yellow brick work. The frontages are well established and for the most part are dominated with hardstanding. Whilst the application site is located to the rear of Bull Lane, Bracken Dell forms a cul-de-sac and the dwellings would be accessed from the end of the street which is adjacent to No.17 Bracken Dell.
3. Outline planning permission (24/00049/OUT) was granted on the 24th July 2024 to establish the principle of the development. A subsequent reserved matters application was submitted, receiving consent for details relating to access, appearance, landscaping, layout and scale.
4. The application seeks to vary Condition 1 (Approved Plans) of the reserved matters application 24/00830/REM to alter plot 2 by

repositioning the dwelling deeper into the plot and to include additional land within the garden.

RELEVANT PLANNING HISTORY

5. Application No. 24/00830/REM - Application for Reserved Matters consent for details of access, appearance, layout, landscaping, and scale in respect of the development of 2No. bungalows pursuant to outline planning permission reference 24/00049/OUT. – Approved 16th April 2025.
6. Application No. 24/00049/OUT - Outline application with all matters reserved for 2 no. detached bungalows – Approved – 10th July 2024.
7. Application No. 22/00626/FUL - Erection of a detached 3 x bed bungalow with associated parking and amenity space – Approved – 27th September 2022.
8. Application No. 20/01049/OUT - Outline application with all matters reserved for a proposed new bungalow – Approved – 3rd February 2021.

MATERIAL PLANNING CONSIDERATIONS

9. 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.
10. 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).

Procedural Matters

11. The original description of the proposal stated the following:

“Variation of condition No. 2 (approved plans) pursuant to Reserved Matters Consent reference 24/00830/REM (Application for Reserved Matters consent for details of access, appearance, layout, landscaping, and scale in respect of the development of 2 no. bungalows pursuant to outline planning permission reference 2); for the repositioning of the dwelling on plot 2 and the inclusion of additional land within the garden of the dwelling on plot 2.”

12. However, it has since been identified that condition No. 2 relates to materials rather than to the approved plans. Accordingly, it is proposed that the description of development be amended to read as follows:

“Variation of condition No. 1 (approved plans) pursuant to Reserved Matters Consent reference 24/00830/REM (Application for Reserved Matters consent for details of access, appearance, layout, landscaping, and scale in respect of the development of 2 no. bungalows pursuant to outline planning permission reference 2); for the repositioning of the dwelling on plot 2 and the inclusion of additional land within the garden of the dwelling on plot 2.”

13. The case officer contacted the agent via email to request that the description of development be amended as set out above. The agent subsequently confirmed acceptance of this amendment by email. It is not considered that any third parties have been affected by this administrative oversight. Although the agent initially referred to the incorrect condition, the intent and meaning of the description were otherwise clear.

Principle of Development

14. As previously stated, this application is solely a Section 73 application. Section 73 of the 1990 Act applies to applications to develop land without complying with conditions that are attached to a previous planning permission.
15. Section 73 of the 1990 Act specifically provides that an application cannot be made under this section if the previous planning permission has already expired, nor can it be used to extend the time limit within which the development must be begun. Moreover, the Local Planning Authority (LPA) shall consider only the question of conditions subject to which planning permission should be granted (so not its acceptability).
16. Furthermore, a S.73 application cannot be used to vary the description of the development nor to impose any new or amended conditions that are inconsistent with the description of development – see *Finney v. The Welsh Ministers* [2019] EWCA. In this case planning permission was granted for (amongst other things) for *“The installation and 25-year operation of two wind turbines, with a tip height of 100m”*. The application was subsequently approved with a condition requiring the proposal be constructed in accord with the approved plans. The developer submitted a S.73 application seeking to vary this condition to substitute the approved plans with a new plan which showed the wind turbine with a tip height of 125m. The Court ruled that Section 73 could not be used to vary the original planning permission in this way as to do so would either require a change in the description of the development to increase the height from 100m to 125m or would result in a condition that was inconsistent with the description of development – the condition would refer to a wind turbine 125m in height but the description of development would refer to a turbine 100m in height.

17. It is also important to add that the scope of a S.73 can be limitless, see *Armstrong v. Secretary of State for Levelling-Up, Housing and Communities* [2023] EWHC 142 where it was held that providing a variation is only proposed to the conditions of a planning permission and such variations neither requires a change of description of the development nor is inconsistent with the description of development, there is no limit to the scope of change under Section 73.
18. In *Armstrong*, planning permission had been granted for the “Construction of one Dwelling”. One of the conditions attached to the permission required compliance with various approved plans. The applicant submitted a S.73 application seeking to substitute the approved plans with new plans which proposed a building in a different form and style to the originally approved. The LPA refused the application stating that the application sought to completely alter the nature of the development, resulting in a development that would materially differ from the originally approved planning permission.
19. However, the Court ruled that there is nothing within S.73 which limits any application to vary or remove a condition to “minor material amendments” or “non-fundamental variations”. Providing that the application was limited to the non-compliance with a condition (and does not require a change in the description of the development nor is inconsistent with it) then it fell within the scope of Section 73.
20. Moreover, in granting permission under section 73 the Local Planning Authority may also impose new conditions provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.
21. The general powers for Local Planning Authorities to impose conditions on the grant of planning permission are set out in sections 70 and 72 of the Town and Country Planning Act (TCPA) 1990, although statutory powers to impose conditions are set out in TCPA 1990, ss 73, 73A, 96A and Sch. 5 Pt.1. The Secretary of State (SoS) also has powers to impose conditions on Appeal in TCPA 1990, ss 77, 79, 177 and Sch. 6.
22. TCPA 1990, S.70 provides that where an application is made to the LPA for planning permission, the LPA may grant planning permission, either unconditionally or subject to such conditions as they think fit or refuse planning permission.
23. TCPA 1990, S. 72 provides that, without prejudice to the generality of TCPA 1990, S. 70, conditions can be imposed on the grant of planning permission:
 - For regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any

such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorized by the permission;

- For requiring the removal of any buildings or works authorized by the permission, or the discontinuance of any use of land so authorized, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

24. Furthermore, Paragraph 56 of the National Planning Policy Framework (2024) (as amended) (NPPF) states that planning conditions may be used to make otherwise unacceptable development acceptable. Moreover, para 57 states *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*. Building upon this is para. 58 of the NPPF which enunciates that planning conditions should only be imposed where they are:

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

25. In determining a S.73 application the LPA may:

- Grant the application with different conditions;
- Grant the application unconditionally (save for S.91. S.92 commencement)
- Refuse the application.

Background Information

26. Outline planning permission (24/00049/OUT) was granted on the 24th July 2024 and only sought permission for the principle of development for two detached bungalows.

27. A subsequent Reserved Matters application (24/00830/REM), which this application seeks to vary, was granted 16th April 2025 for details of access, appearance, layout, landscaping, and scale in respect of the development pursuant to the outline planning permission.

28. As previously alluded to, the applicant seeks to vary Condition 1 (Approved Plans) of 24/00830/REM to alter plot 2 by repositioning the dwelling and to include additional land within the garden.

29. Condition 1 attached to 24/00830/REM states: -

“The development hereby approved shall be carried out in total accordance with the approved plans as follows: 4168-10-5 Revision No. A (Sections) (as per date stated on plan August 2024), 4168-10-4 (Plot 2: Proposed Elevations, Floor Plan and Roof Plan) (as per date stated on plan August 2024), 4168-10-3 (Plot 1: Proposed Elevations, Floor Plan and Roof Plan) (as per date stated on plan August 2024), 4168-10-2 Revision No. A (Site Layout Plan) (as per date stated on plan August 2024) and 4168-10-1 Revision No. A (Location Plan) (as per date stated on plan August 2024).

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

30. The applicant seeks to provide additional garden land to Plot 2 by amending the approved site plan to extend the red line boundary towards No. 127 Bull Lane. This amendment would alter the extent of the application site as originally approved under the outline and reserved matters consents. By changing the red line boundary, the proposal would affect the operative part of the reserved matters approval and conflict with the spatial parameters and development area previously assessed.
31. Such an alteration constitutes a fundamental change to the nature and extent of the approved development site. Section 73 of the Town and Country Planning Act 1990 allows only for the variation or removal of conditions attached to an existing permission; it does not permit amendments to the description of development or to the extent of land covered by the permission. The red line boundary defines the application site, and any modification to it represents a material change that falls outside the scope of Section 73.
32. Accordingly, the proposed amendment cannot be considered under a Section 73 type application. If the applicant wishes to amend the site boundary, this must be pursued through the submission of a new full planning application. The current application is therefore considered invalid under Section 73, as it seeks to introduce a substantive change to the approved development.

Appearance, Scale and Layout

33. 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 (para. 131).

- 34. 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 (para. 139).
- 35. The proposed amendments would not alter the design and appearance of the two dwellings approved. The alteration to reposition Plot 2 slightly to the south would not significantly alter the appearance and character of the site. As such, the design continues to comply with guidance advocated within the NPPF and policy DM1.

Impact on Residential Amenity

- 36. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
- 37. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
- 38. The application site is neighboured by No. 17 Bracken Dell to the north, Nos. 125A, 127 and 129 Bull Lane to the south, Nos. 14, 16 and 18 Alexandra Road to the east of the application site.
- 39. The amendment seeks to reposition the Plot 2 dwelling by 3 metres to the south and extending the rear garden by 3 metres, into the existing rear garden of No. 127 Bull Lane. No. 127 would continue to have adequate outdoor amenity space and the neighbouring dwelling is positioned c.19 metres from the dwelling at Plot 2. As such, the proposed amendments would not significantly impact neighbouring amenity.

40. The proposed amendments would not have a detrimental impact on neighbouring properties and the assessment made within the officer report for the reserved matters application remain relevant.
41. It is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

Impact on Highway Safety

42. 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.
43. The revised Parking Standards Design and Good Practice Guide (adopted January 2025) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
44. 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.
45. The repositioning of the dwelling on Plot 2 would not impact the parking provision provided to the front of the dwelling and would retain sufficient area for turning for occupiers to both dwellings. Based on the mitigation measures agreed by the reserved matters application, the Council's Highways team consider the scheme to be acceptable in relation to highways matters subject to the relevant highways conditions being transferred to this application if approved.

Equalities and Diversity Implications

46. 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.

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

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

CONCLUSION

49. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No response received.

Essex County Council Highways: This application is in relation to condition 2 of the approved application, 24/00830/REM, therefore the basis of the mitigation measures agreed in support of the previous approval must be transferred to this application if approved.

Neighbour Representations: No responses received.

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed variation of condition under Section 73 of the Town and Country Planning Act 1990 would include an amended red line boundary that materially differs from that approved under the original permission. This amendment would fundamentally alter the nature and extent of the approved development site and therefore falls outside the scope of Section 73, which allows only for the variation or removal of conditions, not for changes to the extent of the application site.

The revised boundary conflicts with the spatial parameters and development area previously assessed and approved. Consequently, the proposal cannot be considered under Section 73 and is refused on the basis that it seeks to introduce a substantive change to the approved development that requires the submission of a new full planning application.

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

Application No :	25/00397/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hockley Parish Council
Ward :	Hockley And Ashingdon
Location :	Land Rear Of Rivendale 326 Plumberow Avenue
Proposal :	Sub-divide the plot and construct a 3 bed bungalow with x2 private parking spaces.

SITE AND PROPOSAL

1. The application site comprises a rectangular area of land to the rear of No. 326 Plumberow Avenue (named Rivendale).
2. The application site is located towards the northern end of Plumberow Avenue north of the junction made with Beckney Avenue and where development is more sporadic compared to the southern end with development fronting Wood Avenue which falls within the built-up residential settlement of Hockley. There is a clear distinction between the built-up residential character to the south and the character of that part of Plumberow Avenue off which the application site is located. That part of Plumberow Avenue where the application site is located falls within the Metropolitan Green Belt. Land surrounding the application site falls to be within the Green Belt with the boundary of the residential settlement of Hockley further to the south. In this sense, the application site does not immediately adjoin the built-up residential settlement. The land stretching beyond the application site to the east, west and north is designated Green Belt until settlements much further afield are reached.

3. The immediate street scene is semi-rural in character, with dwellings sited in a sporadic arrangement, with many presenting a significant separation to this end of Plumberow Avenue. Although these appear sporadic with no clear building line, back land development does not appear common in the area.
4. The site at No. 326 comprises of a dwellinghouse and its associated residential garden. The existing dwelling is set considerably deep in to the plot. The site of this current application is to the back of the plot. It is understood that the existing access path to the south side of the site has been maintained for some time.
5. It is noted that several representations have questioned the extent of land ownership and whether the applicant had accurately declared all land in their control. While this application relates only to the red-lined site, land outlined in blue is also under the ownership of the applicant and a revised location plan has been submitted to indicate the same. Although not directly part of this proposal, the presence of adjoining land within the applicant's control is relevant in the context of ecology and biodiversity net gain. Any survey work to inform mitigation (such as for protected species) may reasonably extend into the wider landholding, and it will be ensured that any conditions or surveys secured as part of this application account for the wider context where appropriate.
6. A number of representations also raise concern that the application is a first phase of a wider development, and that further dwellings may follow on the wider landholding. However, the Local Planning Authority is required to assess the proposal solely on the basis of the application submitted, which in this case is for a single detached dwelling. Whilst the applicant does appear to own additional land surrounding the site (as outlined in blue), no other applications have been submitted at this time. Any future proposals would need to be subject to separate planning applications and would be considered on their own merits, with full public consultation and assessment against relevant planning policies.

RELEVANT PLANNING HISTORY

7. No recent or relevant planning history.

MATERIAL PLANNING CONSIDERATIONS

8. 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.

9. 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).
10. The National Planning Policy Framework 2024 (as amended) (NPPF) advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst the development of under-utilised land and buildings is encouraged, this must be balanced against the visual and other impacts of development.

Impact on Green Belt

National Planning Policy Framework

11. The application site is located within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposed development needs to be assessed against local Green Belt policies and in relation to the National Planning Policy Framework (NPPF). There is a general presumption against inappropriate development within the Green Belt and development should not be approved except in very special circumstances. Policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt.
12. Paragraph 153 of the revised NPPF states that when considering proposals affecting the Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Development in the Green Belt is considered inappropriate unless one of the exceptions identified in paragraphs 154 or paragraph 155 of the NPPF applies.
13. In this case, only exceptions (e) and (g) require consideration as the others would very clearly not apply. There is no evidence to suggest that the land is previously developed according to the definition contained within the NPPF; there is no evidence of previous development such as buildings. It therefore falls to consider whether the proposal would be (e) limited infilling in a village or (g) limited infilling outside of a village location. However, it is noted that exception (g) requires that the development would not cause substantial impact on the openness of the Green Belt.

14. In respect of exception (e) it is considered that the proposal would not represent limited infilling in a village.
15. The Rochford Council Core Strategy looks at the Town Centres around the District, specifically in Policy RTC6 where it looks at an Area Action Plan for Hockley Town Centre. In this Hockley is identified as being a town not a village in terms of hierarchy.
16. The Rochford Council Core Strategy states the below:
- 2.67 - Within the District there are four tiers of settlement. The first tier comprises Rayleigh, Rochford and Hockley. These are all settlements with a range of services and facilities as well as some access to public transport.*
- 2.68 - Of the first-tier settlements, Rayleigh has the best access to services within the District. Rochford and Hockley contain local town centres catering for local need. Management Horizons Europe's (MHE) UK Shopping Index (2008) ranks the top 7,000 retail venues within the UK (including town centres, stand-alone malls, retail warehouse parks and factory outlets) based on current retail provision. This index ranks Rayleigh as a minor district centre, Rochford as a local centre, and Hockley as a minor local.*
17. In respect of exception (g), the proposal would have an impact on the openness of the Green Belt as the footprint of the dwelling is shown to be proposed at some 102m². The proposal is of a bungalow form, however does not replace any existing structures. Although a modest bungalow may not cause substantial harm, the proposal would still introduce new built form into an otherwise open parcel of land, resulting in some harm to openness. It is also not considered that the proposal would be considered to constitute infilling as the site is not enclosed by existing development, with land free from development to the east and with the proposed development having a somewhat unusual relationship with others within the immediate area.
18. It is therefore considered that the proposal could not be considered appropriate development in the Green Belt as a result of falling within exceptions (e) or (g). No very special circumstances have been set out in the submitted statement and it is therefore considered that in the absence of very special circumstances which would clearly outweigh the harm to the Green Belt the proposal would be considered contrary to national Green Belt Policy in respect of the exceptions listed under paragraph 154 of the NPPF.
19. Paragraph 155 of the NPPF (2024) however introduces a new category of development considered to constitute appropriate development in the green belt and it is considered that the proposed development could meet the requirements of paragraph 155 for the reasons set out below.

20. Paragraph 155 requires that all of the following would apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- b. There is a demonstrable unmet need for the type of development proposed.
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

21. Paragraph 155 of the National Planning Policy Framework (NPPF, 2024) introduces a category of development considered appropriate in the Green Belt if it meets all the following criteria, including that the development utilises grey belt land. Grey belt land is defined in the NPPF (Footnote 62) as:

“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143.”

22. These purposes include:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (d) to preserve the setting and special character of historic towns.*

23. Accordingly, to qualify as grey belt, a site must fail to strongly contribute to all of these purposes.

24. The application site lies behind No. 326 Plumberow Avenue and forms part of a loosely arranged cluster of residential properties situated in a predominantly semi-rural context. It does not directly adjoin the main settlement of Hockley.

25. Although the site sits behind houses on Plumberow Avenue, it feels separate from the main built-up area of Hockley. It forms part of a small cluster of buildings that does not connect well with the surrounding development. The site still helps prevent the outward spread of Hockley by keeping a buffer of open land, so it makes a moderate contribution to Green Belt purpose (a). However, this contribution is not particularly strong because the site is partly enclosed and close to other sporadic buildings and a plotland character.

26. For Green Belt purpose (b), the site is not in a key gap between towns. Hockley is to the south and Hullbridge is further north west, with plenty of open land in between. The proposal would not reduce this gap or lead to towns merging, so the site does not strongly contribute to this purpose.
27. Similarly, the site is not located within or near the setting of any historic town or heritage asset and therefore does not contribute to purpose (d).
28. The Planning Practice Guidance (PPG) on Green Belt clarifies that when assessing the suitability of land for release as grey belt, authorities must consider:
- “...whether the release or development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.”*
29. This means that even if a site does not strongly perform against the purposes, if it still contributes to any of them in a meaningful or functional way, it should not be considered grey belt.
30. Whilst the site is physically separated from the main built-up area of Hockley and sits within a small group of rural buildings, it is modest in scale and does not play a significant role in the wider Green Belt. Its contribution to Green Belt purposes is limited, as it does not actively prevent sprawl or form part of a key strategic gap between settlements. In this context, its role in preserving openness and rural character is considered minor and does not represent a meaningful contribution to the Green Belt purposes set out in the NPPF and clarified in the Planning Practice Guidance.
31. Accordingly, while the site may provide some limited Green Belt functions at a local scale, it is not considered to meet the threshold of “meaningful contribution” necessary to exclude it from the grey belt classification under paragraph 155 of the NPPF. Given this, the site can reasonably be regarded as grey belt land, and the tests set out in paragraph 155 should be applied when considering the acceptability of the proposed development.
32. Where development may seek to utilise grey belt land, paragraph 155 of the NPPF requires that it must not fundamentally undermine the purposes of the Green Belt when taken as a whole. The remaining purposes of the Green Belt not already considered above include safeguarding the countryside from encroachment and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.
33. The proposed development would introduce new built form onto land that is currently open and free from permanent structures. Although the site sits behind an existing dwelling on Plumberow Avenue, it is still

surrounded by open land on several sides. As such, the proposal would lead to some encroachment into the countryside where there is currently no built development. However, given that the scheme involves only a single dwelling and affects a relatively small area of the wider Green Belt, it is not considered that the proposal would significantly harm this Green Belt purpose.

34. In terms of supporting urban regeneration, the proposal does not involve previously developed (brownfield) or urban land and therefore offers no direct benefit under this Green Belt purpose. However, as the scheme is limited in scale and does not conflict with any identified regeneration priorities, it is also not considered to undermine the wider aim of encouraging redevelopment within existing built-up areas.

35. Paragraph 155 of the NPPF also requires that there is a demonstrable unmet need for the type of development proposed. The Council's current Annual Monitoring Report identifies a 4.53 years supply of housing. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing land, and therefore a shortfall exists. While this proposal would only contribute a single additional unit, it would make some contribution to addressing housing need and some weight is given in favour of the proposal on this basis.

36. In addition, Paragraph 155 also requires that proposals are located in sustainable locations, with reference to paragraphs 110 and 115 of the NPPF.

37. Paragraph 110 of the NPPF states:

'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'

38. The site has access to a range of local services and facilities in Hockley, including schools, shops, and healthcare, which could in theory be reached on foot or by bicycle along Plumberow Avenue. Bus stops are located close by on Plumberow Avenue, providing local connections to surrounding areas. Hockley railway station is also within walking distance, offering regular services to the cities of Southend and London. These options give future residents genuine transport choice and reduce reliance on private car use.

39. Furthermore, as the proposed dwelling would be constructed after June 2023, it must include electric vehicle (EV) charging infrastructure in accordance with current Building Regulations, further supporting sustainable travel choices.

40. Paragraph 115 (b) of the NPPF states:

‘Development should ensure that safe and suitable access to the site can be achieved for all users.’

41. Although the site is within walking distance of services in Hockley and benefits from nearby transport links, the specific access arrangements do raise some safety concerns. The site is accessed via an unmade private track to the rear of Plumberow Avenue. Although this lacks footpaths, lighting, and clear separation between vehicles and pedestrians, it is considered that with the proposal for one dwelling only, with vehicles limited to the sporadic dwellings at this end of the road, moving generally at very slow speeds (around 10-15mph) it is considered that this is to be outweighed against the location of the scheme, which features close by shops, a primary school (accessible through the close by Public Right of Way and Hockley Railway station which is also a short walk. It is therefore considered that the site is genuinely accessible and the proposal would be a sustainable form of development. It therefore complies with paragraph 115(b) of the NPPF and weighs in favour of the proposal. It is noted, that the number of dwellings proposed is a relevant consideration within this assessment. Taking into account the limited size of the proposed dwelling, it is likely to only generate minimal additional car movements along this unmade part of Plumberow Avenue. Had the proposal included multiple dwellings, or if further proposals for dwellings do come forward, which significantly increase car movements on this part of the road, the conclusion of this assessment may be different.
42. The development would also not trigger the “Golden Rules” threshold at paragraph 155(d) of the NPPF, as it relates to a single dwelling on a site smaller than 0.5 hectares.
43. Overall, the proposal would make a small contribution to housing supply and on balance, the proposal is appropriate for new residential development in relation to paragraphs 110 and 115 of the NPPF, which seek to promote sustainable, accessible, and inclusive development. The proposal is therefore considered appropriate in respect of Paragraph 155 of the NPPF.
44. Consequently, the proposal meets the tests under Paragraph 155 and is therefore considered as appropriate development in the Green Belt.
45. The Council’s Core Strategy Policy CP1 and Policy DM1 of the Development Management Plan (DMP) both seek to promote high quality design that would promote the character of the locality. Policy DM3 provides specific criteria against which infilling, residential intensification and ‘backland’ development should be considered. As a matter of completeness, an assessment under this local policy has been included below:

Policy DM3 – Infilling and Residential Intensification

46. Proposals for infilling, residential intensification or 'backland' development must demonstrate that the following have been carefully considered and positively addressed.

- (i) *The design of the proposed development in relation to the existing street pattern and density of the locality;*

Plumberow Avenue is characterised predominantly by housing which fronts the highway, although it is acknowledged that some of the dwellings towards the northern end of Plumberow Avenue are set back a considerable distance within their plots. It is noted again that this immediate area features sporadic development, with long driveways, meaning dwellings have a significant separation to Plumberow Avenue. It is therefore considered that the proposal would not cause demonstrable harm to the character of the area, or notably the existing pattern of development. It is noted that the scale of the proposal is relevant here, with the dwelling being of single storey nature. Taking this into account, the dwelling would be mostly screened from view and it is not considered to cause significant harm in this regard.

- (ii) *whether the number and type of dwellings being proposed are appropriate to the locality having regard to existing character;*

The immediate locality is characterised by dwellings which are bungalows or chalet bungalows. The proposal for a chalet-style dwelling would therefore not, in principle, be out of context in the locality. The proposal would be considered acceptable in relation to (ii)

- (iii) *the contribution to housing need, taking into account the advice and guidance from the Council, based on the most up-to-date evidence available;*

The Council cannot demonstrate a 5 year housing land supply. It is noted that the application is for a single new dwelling and although the proposal would contribute, this would not be significant.

- (iv) *an assessment of the proposal's impact on residential amenity*

This is considered separately below.

- (v) *avoiding a detrimental impact on landscape character or the historic environment;*

It is not considered that the proposal would impact landscape character or the historic environment.

- (vi) *avoiding the loss of important open space which provides a community benefit and/or visual focus in the street scene;*

The site is not of community benefit or of visual focus.

- (vii) *the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;*

The Council's supplementary planning policy document 2 requires that all new dwellings are provided with a garden of at least 100 square metres. The site can comfortably accommodate a suitable amenity space for the dwelling exceeding 100 sqm.

- (viii) *the availability of sufficient access to the site and adequate parking provision; and*

The proposed layout of the site can accommodate two parking spaces meeting the 5.5m x 2.9m requirement as per the Essex Design Guidance (2024).

- (ix) *avoiding a tandem relationship between dwellings, unless it can be satisfactorily demonstrated that overlooking, privacy and amenity issues can be overcome as set out in Supplementary Planning Document 2: Housing Design.*

SPD2 sets out that any development which produces a 'tandem relationship' between dwellings with one dwelling directly facing the rear of another will not be acceptable. Such a relationship can result in overlooking and privacy problems to the detriment to the amenity of existing residents. The orientation of the proposed dwelling is turned at a right angle to the existing dwelling and so would not directly face the rear of the existing dwelling to address concerns regarding tandem relationship. Given the single storey nature of the proposed dwelling, with a low eaves and garden area projecting to the north, it is considered that, although an unusual relationship, this orientation avoids demonstrable and significant harm on current and future occupiers and it would not lead to significant issues such as overlooking, privacy concerns or other amenity issues.

The Essex Design Guide advises that where habitable rooms are located to the rear of neighbouring properties and where the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. Although this is highlighted in terms of a rear-to-rear relationship and this proposal is a rear to side relationship with No 326, the proposed distance would be some 21m between the proposed dwelling and the projection at the rear of No 326. It is however noted that this dwelling at 326 is a bungalow and therefore given that this distance is guidance, the resulting relationship is considered acceptable in this case. This is

therefore considered, taking into account the single storey nature of the proposal acceptable in this regard.

It is concluded that a proposed dwelling in this location would not present significant overlooking impacts to the neighbouring dwellings and would appear to meet the guidance relating to overlooking in The Essex Design Guide.

Design

47. Chapter 12 of the NPPF emphasises the importance of high-quality, well-designed and sustainable places. Paragraph 135 requires that developments are visually attractive, function well over time, and respond to local character and setting. Paragraph 139 further advises that poorly designed development should be refused, particularly where it fails to reflect local design policies or guidance, whilst significant weight should be given to proposals that demonstrate good design, sustainability, or design innovation that respects its context.
48. These principles are supported at the local level by the Council's Core Strategy Policy CP1 and Development Management Plan Policy DM1, which require development to respect local character, scale and form. Policy DM30 further seeks to ensure that development in rural areas protects landscape character. Supplementary Planning Document 2: Housing Design (SPD2) also provides guidance on appropriate rural design and site layout.
49. The proposed dwelling would be modest in height, featuring a hipped roof. The design would present a modern touch whilst keeping a simple, muted look that suits the semi-rural plotland area. The overall size, shape, and materials are modest and fit well within the surrounding area.
50. The layout respects the rural grain of this end of Plumberow Avenue, with sufficient separation between neighbours. Boundary treatments and landscaping remain a key area requiring further attention. The submitted design and access statement does state that there will be soft landscaping to the frontage, but no detailed landscaping plan has been provided, and careful consideration will be needed to ensure boundary treatments are appropriate to the rural location.

Curtilage

51. It is noted that the red lined site includes a large rear garden within the curtilage. It is noted that this area is extensive, although it is acknowledged that the area is characterised by generous plots. It is however considered that the BNG (Biodiversity Net Gain) requirements should be provided on site (unless the applicant can demonstrate why they cannot provide this on site), and therefore reducing the curtilage to provide an area at the rear solely for the delivering of BNG is proposed.

52. The applicant has been contacted regarding this and the residential garden area has been reduced in size, with an area to the rear fenced off and to remain as land used only for BNG contributions. This allows BNG to be implemented on site (within the red line), but not within the residential garden of the site.

Residential Amenity

53. 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 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.
54. With the proposal being of a single storey design, it is not considered that the proposal presents significant overlooking or overshadowing impacts to adjacent neighbours.
55. The use of the land for residential purposes would increase some additional traffic movements along this track to the new dwelling, passing close by to No 326, however again, this application seeks consent only for a single dwelling and likely only resulting in one or two cars travelling at low speeds down this road, at most a few times a day. It is noted that No. 326 has a garden area of significant size, and it is not considered that the running of engines on the proposed driveway in winter or other uses of vehicles would be so detrimental to refuse the application. Similarly, the access would be in excess of 15m from the nearest neighbour at No. 316 Plumberow Avenue and at such distance and separation from the nearest homes, unlikely to give rise to such noise and disturbance to impact occupiers so as to justify withholding permission.

Refuse and Waste Storage

56. 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).
57. There is sufficient space within the applicant's curtilage to accommodate the refuse bins. Occupiers would need to store or drag the bins on collection day to within 20m of Plumberow Avenue but there is sufficient width within the proposed access to provide such off street storage.

Technical Housing Standards

58. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise 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.
59. 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.
60. 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.
61. The proposed dwelling is shown by the applicant as a three bed roomed five person dwelling on the submitted plans. The dwelling is a five person dwelling as one of the bedrooms does not meet the floor area requirement for it to be considered as a double bedroom.
62. A dwelling of this size would need a gross internal area of 86m², with 2.5m of built in storage to meet the above standards. The proposed dwellings would have a GIA of 87.43m² just in excess of that required by 1.43m² and with 0.8m of built in storage. Given the slight surplus in floor area, officers do not consider the shortfall in storage area of 1.7m² to be significant to justify withholding consent.

Garden Area

63. Rochford District Council's Supplementary Planning Document 2 (SPD2): Housing Design requires that dwellings with three bedrooms should be provided with private garden areas of at least 100m². Based on the submitted site layout, the proposed dwelling and that retained would benefit from substantial private amenity space, with garden area way in excess of this minimum standard. This is considered acceptable and appropriate for the site's rural context, allowing for generous external space without resulting in overdevelopment.
64. Taking account the requirement to deliver BNG on site if possible, the area towards the back of the site is not permitted as residential garden, and a new plan has been submitted clearly showing the area to be used as residential garden with a fence separating the land at the rear which will be used for BNG implementation.

Landscaping

65. No detailed landscaping has been submitted with the application. Given the site's rural setting, the use of native planting and paddock-style or post-and-rail fencing would be more appropriate than suburban forms of enclosure such as close-boarded fencing, which should be avoided, particularly along boundaries visible from shared access routes or the open countryside. A condition will be imposed on any granting of planning consent for a suitable landscaping plan to be submitted and approved by the Local Planning Authority, with the agreed details implemented and maintained for a minimum period of 5 years.

Highway Safety

66. The Council has recently adopted the Essex Parking Guidance (2024), which now supersedes the previous 2009 guidance for Rochford.
67. This dwelling is considered to be in an area of low to moderate connectivity.
68. The proposal includes a new driveway for the dwelling. The hardstanding proposed is sufficient for the parking of two cars each with bay sizes which would both meet the above standards of 5.5m x 2.9m.
69. The Highway Authority have been consulted on the application and have stated that this part of Plumberow Avenue is a Private Street. An existing access will be utilised, and it must be suitably upgraded for daily vehicle use. Off-street parking and turning are included. Conditions are recommended.
70. It is not considered that the proposal would give rise to significant highway safety impacts.

Ecology and Trees

Ecology regarding development within the zone of influence (Zol) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)

71. The application site 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.

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

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

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

73. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

74. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.

75. The applicant has paid the required financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.
76. Policy DM25 (Trees and Woodlands) of the Council's Development Management Plan seeks to conserve and enhance existing trees, particularly those of ecological or visual value. All existing trees would be retained, with no removals required to facilitate the development. The access drive passes beneath the canopy of a line of trees along the track, which will be lifted to 5 metres to provide clearance for vehicles. This is considered acceptable and would not harm the trees' long-term health.
77. A no-dig construction method will be used for the access where it encroaches upon Root Protection Areas (RPAs). This must be installed as the first phase of development, under the supervision of an arboriculturist. Date-stamped photos and a short compliance note confirming the works were carried out in line with the Impact Assessment and Tree Protection Plan must be submitted to the Local Planning Authority. Protective fencing is also required around all retained trees. Subject to these measures, the development is not considered to result in harm to trees.

Flood Risk

78. The site lies within Flood Zone 1, where the Environment Agency confirms there is the lowest probability of flooding from rivers or the sea, including when accounting for climate change and to where development should be directed. As such, no Sequential Test or Flood Risk Assessment is required in respect of fluvial or tidal flood risk.
79. Environment Agency surface water flood risk mapping shows part of the site, primarily the access route, lies within a low-risk area (1 in during the application for Building Regulations that would be required for the proposal).

Biodiversity Net Gain

80. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. 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 (1,000 annual chance) for surface water flooding. This does not preclude development but highlights the need to ensure appropriate on-site drainage measures

are in place to avoid any increase in flood risk to the site or surrounding land.

81. Given the existing site is undeveloped, with the proposal understood to introduce new hard surfaces, a condition is recommended requiring full details of surface water drainage to be submitted to and approved by the Local Planning Authority prior to the commencement of development. This should demonstrate how surface water will be managed and disposed of sustainably to prevent runoff and minimise any localised flooding impacts.

Foul Drainage

82. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination. The submitted foul drainage form states that the use of a septic tank is proposed. This is understood to be proposed as the site does not have a connection to the sewerage mains at present.
83. In this case and due to the nature of the proposal which includes a new dwelling – it is considered that there is capability of the site to dispose the foul drainage and the method for this would be covered and agreed
- 84..
85. 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.
86. 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.
87. 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.
88. In this case the developer has indicated that the statutory biodiversity gain condition would apply and officers agree.

89. 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 in this report.
90. Officers are satisfied that the required pre-decision BNG information has been submitted. As the proposal is for development to which the statutory biodiversity gain condition applies, a planning condition is recommended to advise any future developer of the need to submit and gain approval for a biodiversity gain plan prior to the commencement of development. The biodiversity gain to be provided on site is not considered “significant” as defined under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and as such, it is not necessary for the LPA to require a Section 106 agreement.
91. Place Services Ecology, on behalf of the Local Planning Authority, have confirmed no objection to the proposed development subject to conditions. They are satisfied that sufficient ecological information has been submitted to support determination, including a revised Statutory Small Sites Metric and Preliminary Ecological Appraisal. The proposal is considered acceptable in terms of biodiversity, with the Biodiversity Gain Plan to be submitted and approved prior to commencement, and appropriate ecological mitigation and enhancement measures secured via condition.

Other Ecology Including Protected Species

92. The application site lies adjacent to woodland and green corridor habitats that support a range of protected species. Multiple representations, including those from residents, the Essex Badger Protection Group, and Essex Wildlife Trust, confirm active badger activity in the local area. Whilst no setts are recorded within the red line boundary itself, there is sufficient evidence of badgers using surrounding land for foraging and movement.
93. Badgers and their setts are protected and legislation requires all public authorities to have regard to biodiversity conservation. Legal frameworks make the presence of badgers a material planning consideration.
94. Policy DM27 of the Rochford District Council Development Management Plan (2014) is also directly relevant.
95. Although the submitted ecology report found no badger setts on the site, both Essex Badger Protection Group (EBPG) and Essex Wildlife Trust (EWT) have advised that further investigation is required and

however explain that the development can proceed if risks are carefully mitigated. Conditions are recommended to secure mitigation.

96. In summary, the presence of protected species in the surrounding area necessitates strict adherence to both national wildlife legislation and local planning policy. Should planning permission be granted, the Council will attach appropriate conditions to ensure compliance with Policy DM27 and the legal protections afforded to biodiversity, including safeguards to prevent harm to badgers and their habitats

Land supply - Paragraph 11(d) – National Planning Policy Framework (2024)

97. As Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the National Planning Policy Framework (2024) becomes engaged. This introduces a tilted balance in favour of sustainable development, unless specific policies in the Framework indicate that permission should be restricted.
98. Considering the proposal would be located within grey belt land and with no conflicts in relation to national or local policy, the proposal is considered to benefit from the presumption in favour of sustainable development under paragraph 11(d) of the NPPF and the proposal is therefore acceptable.

Equalities and Diversity Implications

99. 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.
100. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
101. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

Approve, subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council : Hockley Parish Council objects to the application as the site is within the Green Belt and does not meet any of the exceptions that would justify new development. They are concerned the application is vague, with unclear land ownership and wording that suggests more development might follow. The proposed bungalow is considered out of keeping with the area and could harm neighbours' privacy. The Council also raises issues with access, lack of mains services, and the risk of flooding to nearby homes. They note that trees and vegetation were cleared before an ecology survey took place and say there are known protected species in the area. Overall, they believe the proposal is speculative, unsuitable, and conflicts with national and local planning policies.

Neighbour representations:

25 representations have been received which in the main make the following comments and objections summarised below:

- Green Belt conflict – inappropriate development, no special circumstances
- Loss of nature / wildlife – concerns over bats, badgers, birds, etc.
- Tree / habitat clearance – including during nesting season
- Drainage and flooding – land has poor soakage
- No mains services – no existing water, electricity, or sewerage
- Road safety and access – narrow unmade road, unsuitable for emergency or construction vehicles
- Character of the area – backland layout, not in keeping with surrounding homes
- Neighbour amenity – privacy, noise, overlooking, visual intrusion
- Precedent – fear of more plots coming forward if this is approved
- Invalid/inaccurate application – undeclared land, misleading information
- Infrastructure capacity – concern over schools, healthcare, etc.
- Ecological and landscape harm – proximity to Beckney Woods and Local Nature Reserve

Essex County Council Highway Authority: No objection subject to conditions.

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

Relevant Development Plan Policies:

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

- Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policies CP1, H1, T1, T8.
- Rochford District Council Local Development Framework Development Management Plan (December 2014) – Policies DM1, DM2, DM3, DM4, DM25, DM27, DM30.
- Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).
- Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.
- The Essex Design Guide.
- Natural England Standing Advice.
- Planning Practice Guidance (PPG).

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced:

25/951 – 781 Rev C (dated 23.09.2025)
 25/951 – 780 Rev C (dated 23.09.2025)
 Location Plan (dated 12.08.2025)
 25/951 – 782 Rev B (dated 12.08.2025)

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

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form, those shown on documents as submitted with the

application, or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

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

4. 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 (including level-thresholds) if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- BNG planting and features, including a 5-year management and maintenance schedule

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 ensure a high standard of landscaping and delivery of statutory Biodiversity Net Gain in accordance with Policy DM25 of the Development Management Plan and the Environment Act 2021.

5. Prior to first occupation of the development hereby permitted, a new hardstanding driveway shall be provided to the site frontage of the dwellinghouse, accommodating two car parking spaces measuring 5.5m deep x 2.9m in width. The spaces shall be retained for the use solely for the parking of vehicles in perpetuity thereafter.

REASON: To ensure the site can accommodate the required parking spaces in compliance with Essex Parking Guidance (2024) in the interests

of highway safety and in accordance with policy DM1 and DM30 of the Rochford Council Development Management Plan.

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

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

7. Prior to the commencement of development, a surface water drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy as agreed shall be implemented in full prior to first occupation and maintained in perpetuity.

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

8. Notwithstanding the area of land within the red lined boundary as shown on plan 25/951-780 Rev C (dated 23.09.2025), the residential garden for the dwellinghouse hereby permitted is limited to the areas shown and labelled as the 'rear garden area'. The land at the rear of the site labelled 'BNG Grassland Area' on the same shall not be used as the residential garden for the dwelling and shall be retained for the use and implementation of Biodiversity Net Gain.

REASON: To ensure continued control over the extent of the gardens and curtilage on the site, in the interests of the open character of the Metropolitan Green Belt and the mandatory implementation of Biodiversity Net Gain.

9. The development shall be carried out in accordance with the Arboricultural Impact Assessment, and Method Statement by Andrew Day (dated 26.05.2025) and the Tree Protection Plan by Andrew Day also dated 26.05.2025).

No construction access shall commence until the approved no-dig access track has been installed. This installation must be:

- Overseen by a qualified arboriculturist.
- Accompanied by date-stamped photographic evidence and a compliance report submitted to the Local Planning Authority prior to other site works commencing.

All remaining trees shall be protected in accordance with the approved plan throughout the construction period.

REASON: To ensure the protection of retained trees of amenity and ecological value during construction in accordance with Policy DM25 of the Rochford Council Development Management Plan.

10. No development shall commence, including any site preparation or groundworks, until an updated badger survey has been undertaken by a suitably qualified ecologist within six weeks of the intended start date. The results of the survey, together with a site-specific Badger Mitigation and Method Statement, shall be submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall include the following construction-phase safeguards:

- A talk and site briefing for all personnel on the presence of badgers and site-specific protection measures;
- Any trenches or deep excavations shall be covered overnight or fitted with a ramp no steeper than 45 degrees to allow escape;
- All excavations shall be checked each morning and evening for trapped wildlife;
- All pipework over 120mm in diameter shall be capped or sealed overnight;
- Fires shall only be lit in controlled, enclosed conditions away from areas of mammal activity and extinguished daily;
- Chemicals, fuels, or hazardous materials shall be stored securely to prevent access or spillage;
- Loose topsoil, materials, or mounds which may be adopted by badgers shall be inspected daily before use;
- Litter, sharp objects or dangerous materials shall be cleared daily to prevent injury to wildlife;
- No closure of any sett shall take place without licence and the prior written agreement of the Local Planning Authority.

The development shall proceed strictly in accordance with the approved mitigation strategy, with compliance monitored by the project ecologist and confirmed in writing to the Local Planning Authority at agreed intervals.

REASON: To ensure legal compliance with the Protection of Badgers Act 1992 and Policy DM27 in respect of protected species.

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 and DM30 of the Rochford Council Development Management Plan.

12. Areas outside of the curtilage of the site shall not be used for the purposes of reception and storage of building materials.

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

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for the development for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the submitted Preliminary Ecological Appraisal (PEA) (Arbtech, May 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:

- 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 the NPPF (2024) (as amended) and s40 of the NERC Act 2006 (as amended).

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) (Arbtech, May 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).

15. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the Local Planning Authority 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).

16. Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate 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 Local Planning Authority 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).

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

Application No :	25/00642/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	Horseshoe Stables Blountswood Road Hullbridge
Proposal :	Proposed erection of 50m x 20m horse menage.

SITE AND PROPOSAL

1. The application site comprises a parcel of land situated within the Metropolitan Green Belt. The site forms part of the existing Horseshoe Stables, located off Blountswood Road, Hockley. The land is currently undeveloped, relatively flat, and predominantly laid to grass. It is typical in appearance of the wider rural plotland setting, which is characterised by a mix of equestrian uses, sporadic residential development, and expansive open fields.
2. To the east of the site is a ménage and a modest stable block to a neighbouring property, both of which are visually contained by boundary treatments and landscaping. To the west lie a cluster of domestic outbuildings serving adjacent properties, beyond which there are further ancillary structures associated with rural, commercial and residential uses. Open agricultural fields extend to both the north and south, reinforcing the site's rural and Green Belt setting.
3. A linear strip of mature trees lines the western boundary of the site, providing an element of natural screening and contributing positively to the rural character of the locality. This tree belt helps visually contain the site from the adjoining outbuildings and wider views to the west. Additionally, Public Right of Way Footpath No. 39 (Hockley) runs in close proximity to the site.
4. The current application seeks planning permission for the construction of a new horse exercise ménage measuring 50m in length by 20m in width within the confines of the existing Horseshoe Stables. The proposed ménage is intended to provide an all-weather riding arena to

support the ongoing equestrian use of the site. It will facilitate safer and more reliable exercising and training of horses throughout the year, irrespective of weather conditions.

RELEVANT PLANNING HISTORY

5. Application No. 19/00063/FUL - Extend and convert stable to provide dwelling – Refused - 04.09.2019. Reasons for refusal: -

“The National Planning Policy Framework at Paragraph 145 indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include 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. The proposed development would entail an additional element amounting to approximately 29m² of additional floor space which would almost double the footprint of the building which would be tantamount to a disproportionate addition thus rendering the development inappropriate by definition. It is considered that the proposed development as a result would cause inevitable harm to Green Belt openness thus undermining one of the five key purposes of including land within it which would conflict with the underlying principles of the National Planning Policy Framework 2019”.

“The building is not considered to be of a permanent or substantial construction capable of supporting a genuine conversion. It is considered that the proposal by reason of the physical works required to make the building habitable would be substantial and would not fall within the description of what could be considered to be a conversion which involves the use and re use of the existing fabric of a building such that on a proportionate level the retention of existing fabric far outweighs the proportion of new elements introduced to a building. The circumstances of the case fail therefore to comply with the requirements of policy DM13 of the Local Development Framework's Development Management Plan (2014). No very special circumstances are considered to exist in this case which materially outweigh the harm found by the development in terms of impacts upon Green Belt openness”.

6. Application No. 25/00204/FUL - Proposed erection of 50m x 20m horse menage – Refused – 28th July 2025. Reason for refusal: -

“The application fails to demonstrate that it can deliver mandatory Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021, the Town and Country Planning Act 1990 (as amended), and associated statutory guidance. The information submitted, including the Preliminary Ecological Appraisal, Biodiversity Net Gain Report and the Statutory Biodiversity Metric - Calculation Tool, is considered insufficient and inaccurate to support the application.

In particular, the Statutory Biodiversity Metric - Calculation Tool is not supported by the required condition assessments, which are necessary to ensure that the pre-development baseline habitats have been appropriately recorded and verified. Furthermore, there are inaccuracies within the metric concerning the recording of on-site trees, including discrepancies in the size and area calculations, which have not been justified in accordance with the published metric guidance.

In addition, the baseline strategic significance of some habitats has been incorrectly attributed as being of medium significance. This is contrary to the published Essex Local Nature Recovery Strategy, which does not identify these areas within strategic opportunity zones. The assessment has failed to justify this approach and has therefore overestimated the biodiversity value of these features.

Concerns are also raised in relation to the proposed post-intervention habitats, specifically the inclusion of 'Lowland meadow'. This is a habitat of very high distinctiveness and is extremely difficult to create successfully. The application provides no clear evidence to demonstrate the feasibility of achieving this habitat type, including details of soil conditions, nutrient levels, or appropriate establishment methods such as green hay from a local source. Without such evidence, the proposed gains cannot be considered realistic or achievable.

As a result of these deficiencies, the Local Planning Authority cannot be satisfied that the biodiversity baseline and post-development calculations are robust or deliverable, nor that the statutory biodiversity gain condition can be lawfully discharged. The proposal therefore conflicts with the requirements of the Environment Act 2021, the National Planning Policy Framework, and relevant local development plan policies relating to biodiversity net gain, ecological enhancement, and sustainable development”.

MATERIAL PLANNING CONSIDERATIONS

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

Background Information

9. The previous application (Ref: 25/00204/FUL), which sought planning permission for an identical proposal comprising the construction of a 50m x 20m horse menage, was refused on 28th July 2025. The refusal was based on the ecological concerns previously outlined, particularly those raised by the Essex County Council Place Services Ecologist. In an effort to address these concerns and respond to the identified deficiencies, the applicant has submitted further supporting information specifically relating to Biodiversity Net Gain (BNG). The adequacy of this additional information and its effectiveness in overcoming the grounds for refusal will be examined in the subsequent sections of this report.

Principle of Development

10. The revised National Planning Policy Framework (NPPF), published in December 2024 and revised in February 2025, continues to promote sustainable development as the overarching aim of the planning system. It identifies three interdependent objectives—economic, social, and environmental—and stresses the importance of delivering development that meets present needs while safeguarding resources and environmental quality for future generations. The Framework also emphasises that planning decisions should guide development towards sustainable outcomes that respond to local circumstances, reflecting the character, needs, and opportunities of each area. A notable enhancement in the 2024 revision is the increased emphasis on design quality, not only in terms of individual buildings but also in shaping places holistically.
11. At the core of the NPPF is the presumption in favour of sustainable development. Paragraph 11 explains that, for decision-making purposes, this means approving proposals that accord with an up-to-date development plans without delay. In cases where the development plan is silent or out-of-date, permission should still be granted unless policies in the Framework—particularly those that relate to protected areas or assets—indicate otherwise. Moreover, development should not be approved if the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
12. The application site lies entirely within the Metropolitan Green Belt. Paragraph 142 of the NPPF reiterates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The openness and permanence of Green Belt land are its defining characteristics. Paragraph 143 outlines the five purposes of including land within the Green Belt: to check the unrestricted sprawl of large urban areas; to prevent neighbouring towns from merging; to assist in safeguarding the countryside from

encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

13. Development within the Green Belt is generally regarded as inappropriate and, by definition, harmful. Paragraph 153 of the NPPF states that substantial weight must be given to any harm to the Green Belt. Planning permission should only be granted in “very special circumstances,” which will not exist unless the harm resulting from inappropriateness, and any other harm, is clearly outweighed by other material considerations.
14. Paragraph 154 sets out the limited circumstances under which new development in the Green Belt may be considered appropriate. One such exception, relevant to this application, allows for the material change of use of land for purposes such as outdoor sport or recreation. However, this is conditional upon the proposal preserving the openness of the Green Belt and not conflicting with its established purposes. This test is both visual and spatial in nature—structures, boundary treatments, increased activity, or changes in land character could all adversely impact openness, even in the absence of large-scale buildings.
15. This proposal relates to the use of land for outdoor sport or recreational purposes and is therefore assessed against exception (b) of paragraph 154. Whilst this category provides a potential pathway for approval, it is not automatic. The applicant must demonstrate that the proposal will not result in the introduction of elements that could erode openness or compromise the Green Belt’s function in checking sprawl and preserving countryside character. Even modest developments may have a cumulative or urbanising effect, particularly where ancillary infrastructure—such as parking areas, access routes, fencing, or storage are proposed.
16. In addition to national policy, the Council’s local planning policies provide a further framework for assessment. Policy DM1 of the Council’s Development Management Plan (2014) requires that all new development respects the character of the local area, protects residential amenity, and contributes positively to the built and natural environment. Policy DM15 specifically addresses outdoor recreational and equestrian uses in the Green Belt. It allows such development where it is small in scale, essential for the proposed use, and carefully designed to minimise any negative impact on the openness and character of the Green Belt. Where possible, it encourages the reuse of existing or redundant rural buildings as a more sustainable approach.
17. Given that the proposal seeks to provide outdoor recreational use, it is acceptable in principle under both national and local policy, subject to compliance with the identified conditions. However, this principle of acceptability is not unconditional. A detailed assessment of the site-

specific impacts is required to determine whether the development preserves openness, avoids visual intrusion, respects the local character, and meets the policy requirements in full.

18. In conclusion, whilst the NPPF and the Council's policies do provide scope for the proposed development within the Green Belt, approval is dependent on a careful and evidence-led evaluation of whether the scheme avoids harm to the Green Belt and aligns with the broader objectives of sustainable and place-sensitive development. The proposal will need to convincingly demonstrate that it results in no material harm and complies with the relevant tests in both the national and local planning policy framework.

Equestrian Facilities

19. As previously stated, the application seeks full planning permission for the construction of a ménage for private equestrian use. The applicant's agent has confirmed that the proposed facility is intended to support an established private equestrian use and will not be used for commercial purposes. The ménage would utilise existing vehicular access arrangements, and no additional parking provision is proposed.
20. The proposed ménage would measure 50m in length and 20m in width. It will be enclosed by a 1.07m high post-and-rail timber fence, with two five-bar gates for access. The fencing design is rural in character and visually permeable, helping it integrate into the landscape. Whilst no buildings or lighting structures are proposed, the ménage involves groundworks, surfacing, and physical enclosure — all of which constitute a built structure and operational development under s.55 of the Town and Country Planning Act 1990.
21. As the site is located within the Metropolitan Green Belt, the proposal must be assessed against national and local Green Belt policy. Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate development, subject to a closed list of exceptions. These exceptions include "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it."
22. A ménage, though not a building in the enclosed, roofed sense, still qualifies as a built form and falls within the scope of Green Belt restrictions. It must therefore be justified under the above exception. In this case, the ménage is directly related to outdoor recreation (private horse riding) and is ancillary to the existing equestrian use of the land. The key tests are whether it would preserve openness and avoid conflict with Green Belt purposes, such as preventing encroachment into the countryside.

23. Openness in the Green Belt has both a spatial and visual dimension. Spatially, the ménage introduces a flat, engineered surface with defined boundaries, but it is relatively low in height and contains no roofed structures. Visually, it is modest in scale, screened by existing vegetation and outbuildings, and its rural fencing design avoids a suburbanising appearance. The topography of the site is relatively flat, and the materials proposed are sympathetic to the rural character. Furthermore, the proposal does not require earth bunding, lighting, or other features that could visually intrude into the open countryside.
24. In terms of cumulative impact and landscape context, the site is flanked by development. To the east is a neighbouring ménage and a small stable block, while to the west lie domestic outbuildings. These existing elements help to visually enclose the application site and integrate the proposed ménage into an established cluster of development. The open fields to the south will remain unaffected and the overall pattern of built form will not appear significantly intensified or spread further into the open countryside. The proposal would not result in the type of unrestricted sprawl or encroachment that Green Belt policy seeks to avoid.
25. Policy DM15 of the Development Management Plan (2014) allows for small-scale equestrian development in the Green Belt, provided that proposals are modest, appropriate in scale, and designed to minimise impact on openness and rural character. It also supports the reuse of redundant rural buildings where possible and discourages proliferation of equestrian facilities in the same locality. In this case, the ménage is modest, visually contained, and clearly ancillary to the existing private use, thereby complying with the aims of DM15. Policy DM1 further requires that development respects local character, visual amenity, and the surrounding built and natural environment — criteria which are also met in this instance.
26. Nonetheless, to ensure that the use remains appropriate to its Green Belt setting and does not intensify beyond what is acceptable, a condition will be imposed to restrict the use of the ménage to private equestrian use only, with any future commercial use requiring a fresh application. Additionally, since no external lighting is proposed, a condition prohibiting its installation without permission is necessary in order to protect visual amenity, residential tranquillity, and the ecological value of the area.
27. Overall, it is considered that the proposed ménage is a form of operational development that constitutes a built structure. However, it is considered an appropriate facility for outdoor recreation under Paragraph 154 of the NPPF. The proposal would preserve the openness of the Green Belt both spatially and visually and would not conflict with its purposes. It would be modest in scale, well-related to existing development, and designed to minimise landscape impact. Subject to the recommended conditions, the proposal is compliant with

Policies DM1 and DM15 of the Development Management Plan and with Green Belt policy as set out in the NPPF. The development is therefore acceptable in principle and merits approval.

Impact on Residential Amenity

28. Paragraph 135 criterion 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.
29. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which have already taken place (if retrospective) or will arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
30. In assessing the potential impact of the proposed development on residential amenity, careful consideration has been given to the siting and nature of the proposal in relation to nearby sensitive receptors. The nearest residential property is located in excess of 40m from the proposed ménage. This separation distance, combined with existing boundary treatments and intervening vegetation, provides a clear physical and visual buffer between the site and neighbouring dwellings.
31. The proposal does not incorporate any form of external lighting, which ensures that there will be no impact in terms of light spill or glare upon neighbouring properties. Furthermore, the nature of the use — a private ménage for personal equestrian activities — is of a scale and intensity that would not give rise to undue levels of noise or general disturbance. Equestrian uses of this nature are commonplace within rural and semi-rural settings and are typically regarded as being compatible with residential uses, particularly where sufficient separation exists.
32. It is also noted that the development would be subject to a planning condition restricting the use of the ménage to private use only, thereby preventing any future intensification through commercial equestrian activities such as livery, riding schools, or competitions. This restriction will safeguard against any material increase in comings and goings, including vehicle movements, that might otherwise give rise to adverse amenity impacts on the locality.

33. No representations have been received from local residents in response to the consultation process. Whilst the absence of objections is not, in itself, determinative, it is nonetheless a material consideration which provides further reassurance that the proposal is not perceived to give rise to local amenity concerns.
34. Having regard to the modest scale and domestic nature of the proposal, the intervening separation distances, and the character of the surrounding area, it is concluded that the development would not result in harm to the amenity of neighbouring occupiers. The proposal is therefore considered to accord with the relevant provisions of Policy DM1 of the Local Plan, which seeks to protect residential amenity from unacceptable impacts arising from new development.

Parking and Access

35. The highways and transportation implications of the proposed development have been assessed in accordance with both the local and national policy frameworks. At the local level, Policies DM1 and DM30 of the Rochford District Council Development Management Plan (DMP) require that development proposals must provide adequate off-street parking provision and demonstrate that they would not give rise to any adverse impacts on highway safety, accessibility, or the free flow of traffic. Nationally, Paragraph 116 of the NPPF provides 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.”

36. In the case of this proposal, it is considered that no material harm would arise in relation to the local highway network. The scale of the development is modest and does not propose any alteration to existing vehicular or pedestrian access arrangements. Furthermore, the quantum of off-street car parking remains unchanged and continues to be in accordance with the Council's adopted parking standards.
37. It is understood that the proposed ménage is intended solely for private and domestic equestrian use, ancillary to the main residential use of the site. To safeguard against any potential intensification of use that could result in increased vehicular movements or demand for parking, it is proposed that a planning condition be imposed restricting the use of the ménage solely to private use. Specifically, the condition would preclude the holding of events such as gymkhanas or other equestrian competitions that could generate material increases in traffic volumes.
38. Consultation has been undertaken with Essex County Council's Highway Authority, who have raised no objections to the proposal. They note that Blountswood Road is, in large part, a private road and that to the north, it is shared with a Public Right of Way (Byway). The

Highway Authority has requested the inclusion of an informative advising that the adjacent Public Right of Way must be kept free from obstruction at all times to ensure safe and unimpeded public passage.

39. Given the limited scale of the proposal, the absence of any changes to the existing access or parking arrangements, and the imposition of conditions limiting the intensity of use, it is considered that the development would not give rise to any unacceptable impacts on highway safety nor result in any severe residual cumulative impacts on the surrounding road network. On this basis, the proposal is considered to be compliant with Policies DM1 and DM30 of the Development Management Plan and Paragraph 116 of the NPPF.

Public Rights of Way

40. According to the submitted plans the application site is located in close proximity to a private road that is shared with a Public Right of Way (Footpath No. 39 Hockley). In reference to the submitted plans the proposed menage will not encroach or prohibit people from using the PRow. The case officer has consulted colleagues in Essex County Council Highways Authority and they confirm providing that the public's rights and ease of passage over the aforementioned PRow remain unhindered they have no objection. In the event that planning permission is approved an informative will be attached to the Decision Notice in relation to the adjacent PRow remaining free and unobstructed at all times.

Flooding and Drainage

41. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such the development is compatible with the advice advocated within the NPPF.
42. In relation to drainage for the ménage, the working surface of the ménage and the manner in which it is constructed will allow rain water to soak through it (much like rainwater currently soaks through the existing land) – the difference being that the rainwater will soak through the ménage faster than it would normally soak through the land and much of the rainwater that falls onto the ménage, will be collected in the ménage drainage system, and will be dispersed via a sustainable drainage system (according to the application form).

Trees

43. 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.'

44. When the case officer conducted his site visit, he noted that there were no trees located on or adjacent to the site that would be impacted by the proposal.

On-site Ecology

45. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
46. 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.
47. 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.

48. The case officer observes that the application has been submitted in the absence of any ecological assessment or supporting documentation to address potential impacts on protected species. Notwithstanding this omission, an assessment of the site and its immediate context indicates that the land, together with the surrounding fields, is presently used for the grazing of several horses. This existing use results in a level of disturbance consistent with what would reasonably be expected in such an environment. As such, the ecological value of the site is considered to be limited.
49. No specific ecological receptors have been identified on the site that would be detrimentally affected by the proposed development. Furthermore, consultation has been undertaken with Essex County Council's Place Services, who have reviewed the application and have not raised any objections to the proposal.
50. Having regard to the current use of the site, the absence of any identified sensitive ecological features, and the lack of objection from the relevant ecological consultees, it is considered that the proposal would not give rise to any unacceptable impacts on protected species or habitats. Accordingly, the application is deemed to accord with the requirements of Policy DM27 of the Local Plan, as well as the principles of ecological protection and enhancement advocated within the NPPF.

Biodiversity Net Gain

51. 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. 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.
52. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. 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.

53. The case officer considered it prudent to consult for specialist advice Essex County Council Place Services Ecology regarding the proposal and they stated that:

“The mitigation measures identified in the Preliminary Ecological Appraisal and Biodiversity Net Gain Report (Serious Nature, May 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric, baseline habitat map and condition assessments. 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 we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government’s template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)*
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- c) Pre and post development habitat plans.*
- d) Legal agreement(s)*
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- f) 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. Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats:

- Rural trees*

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation /

enhancement will need be provided to the LPA at years 1, 3, 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 during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as 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”.

54. In conclusion, following consultation with Essex County Council Place Services Ecology, it is considered that the proposal can now be supported subject to appropriate ecological safeguards and biodiversity measures. The Council's Ecology advisers are satisfied that the *Preliminary Ecological Appraisal and Biodiversity Net Gain Report* (Serious Nature, May 2025) provides sufficient information to demonstrate compliance with the statutory Biodiversity Net Gain requirements under Schedule 7A of the *Town and Country Planning Act 1990*.
55. To ensure compliance, any permission granted should include conditions requiring the implementation of the recommended mitigation measures and the submission of a *Biodiversity Gain Plan* prior to commencement. This should include metric calculations, habitat plans, and any necessary legal agreements. A *Habitat Management and Monitoring Plan* should also be secured for significant on-site enhancements, ensuring long-term management and monitoring for up to 30 years.
56. In addition, a separate *Biodiversity Enhancement Strategy* should be prepared to deliver reasonable biodiversity improvements for protected and Priority species, in line with Paragraphs 187(d) and 193(d) of the *National Planning Policy Framework (2024)*.
57. These measures will ensure the development achieves measurable biodiversity net gains and enables the Local Planning Authority to meet its statutory duty under Section 40 of the *Natural Environment and Rural Communities Act 2006 (as amended)*.

Equalities and Diversity Implications

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

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

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

60. 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

61. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: No objections.

Essex County Council Highways Authority: The majority of Blountswood Road is a private road. To the north, it is shared with a Public Rights of Way byway no objection subject to informative that the PRoW remains unobstructed.

Essex County Council Place Services Ecology: Following a review of the Preliminary Ecological Appraisal and Biodiversity Net Gain Report (Serious Nature, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

The information submitted relating to mandatory biodiversity net gains. We are satisfied that there is sufficient ecological information available to support determination of this application.

Neighbour representation: No responses received.

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) - Policy GB1.

Rochford District Council Local Development Framework Development
Management Plan (December 2014) – policies DM1 and DM15.

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 800 Revision A (Elevations and Plan of Menage) (as per date stated on plan 2nd September 2025), Location Plan (as per date stated on plan 2nd September 2025) and 801 Revision A (Location Plan and Block Plan) (as per date stated on plan 2nd September 2025).

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

3. 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. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the development is acceptable.

4. The development hereby permitted shall be for the personal recreational use only and not used in connection with any trade or business and no gymkhanas or similar events shall be held on the land.

REASON: Having regard to the location of the site, consequent issues of amenity, highway safety and potential conflict with policies relating to maintaining the openness of the Green Belt.

5. The menage hereby permitted shall be removed from the site within three months of the date when it ceases to be used for equine purposes.

REASON: to prevent the accumulation of unused structures in the Green Belt which collectively would be detrimental to the character and appearance of the Green Belt.

6. No external lighting shall be installed or operated in connection with the menage hereby approved unless otherwise agreed in writing by the Local Planning Authority through the prior submission and approval of a separate planning application.

REASON: To protect the openness and character of the Green Belt and to prevent visual intrusion and unnecessary light pollution in the rural landscape, in accordance with the National Planning Policy Framework and relevant local planning policies.

7. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Biodiversity Net Gain Report (Serious Nature, May 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 the commencement of any construction or groundworks for the menage, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in accordance with the recommendations of the *Preliminary Ecological Appraisal and Biodiversity Net Gain Report* (Serious Nature, May 2025), shall be submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Enhancement Strategy shall include:

- a) The purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or specifications to achieve the stated objectives;

- c) The locations of proposed enhancement measures shown on appropriate plans or drawings (where relevant);
- d) The persons or organisations responsible for implementing the measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The approved measures shall be implemented in full in accordance with the approved details and retained thereafter.

REASON: To enhance protected, Priority and threatened species, and to enable the Local Planning Authority to discharge its duties under Paragraph 187(d) of the National Planning Policy Framework (2024) and Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

9. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works when:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.

Application No:	25/00593/FUL Zoning: SER1
Case Officer	Ms Julie Ramsey
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land North of London Road West of Rawreth Industrial Estate Rawreth Lane Rayleigh Known as Wolsey Park
Proposal:	Section 73 application for variation of Condition no. 2 attached to extant planning permission ref: 21/00596/REM: This application seeks the inclusion of the additional boundary plan as part of the approved conditions by means of the following proposed amended condition: The development hereby approved shall be constructed in accordance with the following approved plans, except in respect of the internal delineation of the rear garden areas for plots 50 and 51, which shall, notwithstanding the other approved plans, be as shown on plan ref SURV3561: - 8458/P100/B, 8458/P101/D, 8458/P102/D, 8458/P103/B, 8458/P104/B, 8458/P150.1/B, 8458/P150.2/B, 8458/P151.1/B, 8458/P151.2/B, 8458/P160.1/A, 8458/P161.1/A, 8458/P162.1/A, 8458/160.1/, 8458/P163.2/A, 8458/P164.1/A, 8458/P165.1/A, 8458/P166.1/A, 8458/P167.1/A,

	8458/P167.2/A, 8458/P167.3/A, 8458/P168.1/B, 8458/P168.2/B, 8458/P170.1/A, 8458/P171.1/A, 8458/P172.1/A, N00279/CSP/EL/XX/DR//001 PL8, 8458/P120/C, 8458/P121/C, 8458/P122/D, 8458/P123/C, 8458/P124/C, 8458/P125/D, 8458/P126/C, 8458/P190/A, 8458/P191/A, 8458/P192/A, 8458/P193/B, 8458/P116, 171972/015 B, 171972/016 B, 171972/01
--	--

SITE AND PROPOSAL

1. The two parcels of land to which the application for reserved matters related, are located in the central/western area of the wider site which extends from Rawreth Lane to the north and to London Road to the south. Both parcels are east of the spine road that splits the wider site north to south, and both are also north of Rawreth Brook.
2. This application seeks to vary Condition 2 of planning permission 21/00596/REM to include a new boundary site plan for Plots 50 and 51 (plots 242 and 243 under the outline application) only. This is in order to validate the current situation within the site due to a miscalculation in the laying out of these 2 plots and to formalise the new layout in regards to the rear garden/amenity areas for these 2 plots.
3. The reasoning for the submission of this s.73 application is that due to the sale of Plot 50, the applicant is unable to move the fence line back to its originally approved position. Other solutions have been considered but due to the completion of the dwellings around these two plots, it is not possible to increase the garden area of Plot 51 in any other way.

RELEVANT PLANNING HISTORY

The site has an extensive planning history, the applications listed below are most relevant to this s73 application.

4. 21/00596/REM Application for Reserved Matters (access, appearance, landscaping, layout and scale) for 76 Residential Units with associated access, parking, servicing, landscaping and utilities following outline planning consent reference 20/00940/OUT. APPROVED 22.04.2022.
5. 20/00940/OUT Outline Planning Application (with all Matters Reserved) for the erection of Residential Development and the provision of Non-Residential Floorspace (falling within Uses Class E and/or use as a public house or drinking establishment) with associated Open Space, Landscaping, Parking, Servicing, Utilities, Footpath and Cycle Links, Drainage and Infrastructure Works. APPROVED 19.01.2022.

MATERIAL PLANNING CONSIDERATIONS

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

ASSESSMENT

8. There are no other alterations proposed to the wider site, or either of the two dwellings for plots 50 and 51. Therefore the main consideration is the amenity garden provision for both plots.
9. The reserved matters application 21/00596/REM made the following assessment of the amenity space provision over the wider site.

Amenity Space

Policy DM1 references Supplementary Planning Document 2 (SPD2) which contains amenity space standards. SPD2 sets out that houses shall have a minimum private garden area of 100 m² but lists some exceptions including dwellings adjacent to a substantial area of well landscaped and properly maintained open space and one and two-bedroom dwellings where a minimum private garden area of 50 m² will be required provided that the second bedroom is not of a size that would allow sub-division into two rooms. In addition, three-bed terraced dwellings are stated to be required to have a private garden with a minimum depth of 2½ x the width of the house (except where the provision exceeds 100 m²) to a minimum private garden area of 50 m².

All of the proposed 3, 4, and 5-bedroom dwellings, save for 5 dwellings, would be provided with an enclosed rear garden of at least 100 square metres. The five that would fall short would only fall very marginally short by at most 5 square metres. A significant area of public open space is to be provided immediately west of the site and an area of public open green space is to be provided within the southern parcel of this application site. Given this, and that only a very limited number of dwellings would marginally fall short of the 100 square metres usually required for houses, it is considered that overall the proposal would deliver dwellings which would be suitably served by amenity space. All of the proposed two-bed dwellings would be provided with an enclosed rear garden of at least the minimum 50 square metres.

10. As approved Plot 50 (a two bedroomed dwelling) had a garden area of 50sqm and Plot 51 (a three bedroomed dwelling) had a garden area of 95sqm. This plot was one of the 5 dwellings, mentioned above which had a garden area of less than the policy required 100sqm for a three bedroomed dwelling. The current provision on site sees Plot 50 with an increased garden size of 57sqm and Plot 51 has a reduced garden size of 88sqm.
11. The supporting document shows both rear garden areas and it is considered that despite the reduction in size to the rear garden area of Plot 51, there remains a sizeable and adequate amount of useable amenity space to support the dwelling. It remains the case that Plot 51 is sited close to the pedestrian entrance to a large area of public open space and the garden area for Plot 51 also benefits from being regular/rectangular in shape, which helps to make sure all of the space has good functionality, is has an east facing aspect, with high levels of sunlight to be expected from the east and south and is not therefore likely to experience significant shadowing from the adjacent built form or vegetation.
12. Therefore, on balance, the size and layout of the garden to Plot 51 still provides useful amenity space of an appropriate size and in this instance is considered to be acceptable

EQUALITIES AND DIVERSITY IMPLICATIONS

13. 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.
14. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
15. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

16.APPROVE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024 (Amended 7 February 2025).

Core Strategy Adopted Version (December 2011) -Policy CP1

Development Management Plan (December 2014) – Policy DM1.

Essex Parking Guidance (2024).

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

The Essex Design Guide (2018).

RECOMMENDATION: APPROVE subject to conditions

2. The development hereby approved shall be constructed in accordance with the following approved plans, except in respect of the internal delineation of the rear garden areas for plots 50 and 51, which shall, notwithstanding the other approved plans, be as shown on plan ref SURV3561 :-

8458_P100_B, 8458_P101_D, 8458_P102_D, 8458_P103_B,
8458_P104_B, 8458_P150.1_B, 8458_P150.2_B, 8458_P151.1_B,
8458_P151.2_B, 8458_P160.1_A, 8458_P161.1_A, 8458_P162.1_A,
8458_P163.1_A, 8458_P163.2_A, 8458_P164.1_A, 8458_P165.1_A,
8458_P166.1_A, 8458_P167.1_A, 8458_P167.2_A, 8458_P167.3_A,
8458_P168.1_B, 8458_P168.2_B, 8458_P170.1_A, 8458_P171.1_A,
8458_P172.1_A, N00279_CSP_EL_XX_DR_L_001 PL8,
8458_P120_C, 8458_P121_C, 8458_P122_D, 8458_P123_C,
8458_P124_C, 8458_P125_D, 8458_P126_C, 8458_P190_A,
8458_P191_A, 8458_P192_A, 8458_P193_B, 8458_P116, 171972-
015 B, 171972-016 B, 171972-010 B, 171972-011 B, 8458 Flats Rev
A, 8458 HT Rev A, P126A_130821, 8458_P162.2, 8458_P165.2,
8458_P167.4 and SURV3561

REASON: In the interests of clarity.

3. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 (as amended), no side or other extensions shall be erected to any dwelling

hereby approved which would reduce the size of the approved parking spaces or otherwise impede the ability of vehicles to park on the on-plot parking spaces, as shown on the approved layout plan Drawing Number 8458_P101 Rev D. The car ports to plots 9, 10, 44 and 45 shall also not be enclosed at any time. The car parking spaces as shown on this aforementioned plan shall be maintained and available for the parking of vehicles at all times in perpetuity.

REASON: In the interests of ensuring sufficient on-site parking in the interests of preventing excessive on street parking in the interests of highway and pedestrian safety and to accord with Policy DM30.

4. The land shown shaded grey and annotated with the letter 'A' on Drawing Number 8458_P116 shall be provided as private communal amenity space to serve the occupants of flatted block B hereby approved and retained for this purpose in perpetuity with hard and soft landscaping, including the installation of boundary treatments completed prior to the first occupation in this flatted block.

REASON: To ensure appropriate provision of private amenity space to serve the occupants of flatted block B in the interests of residential amenity and to comply with Policy DM1.

5. The following first floor windows shall be glazed in obscure glass prior to first occupation of the dwelling to which they relate and maintained in this form in perpetuity:-

- The first-floor window in the eastern (rear) elevation of the dwelling to Plot 48, as identified on the approved site layout plan 8458_P101_D, and as detailed on the elevation and floor plan reference 8458_P162.2.
- The first-floor window in the western (rear) elevation of the dwelling to Plot 45, as identified on the approved site layout plan 8458_P101_D, and as detailed on the elevation and floor plan reference 8458_P164.1 Rev A.

REASON: In the interests of residential amenity including to prevent unreasonable potential for overlooking and loss of privacy to nearby dwellings.

6. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Classes A, B and C (or as amended) no extension or alteration (including the installation of roof lights) of the roof of the dwellings to plots 48 or 73 shall occur at any time and no additional windows at first floor level shall be installed in the following instances:-

- in the eastern (rear) elevation of the dwelling to plot 48
- in the western (rear) elevation of dwelling to plot 73

REASON: In the interests of residential amenity including to prevent unreasonable potential for overlooking and loss of privacy to nearby dwellings.

7. The dwellings to plots 19, 2, 44, 45, 69 and 75 shall be constructed in accordance with the revised floor plans, N00279_A_HT401_DT_001 Rev C3, N00279_A_HT401_DT_002 Rev C2, N00279_A_HT410_DT_001 Rev C4, N00279_A_HT410_DT_002 Rev C3 as agreed under application 22/00771/DOC.

REASON: To ensure compliance with the minimum standards of the Technical Housing Standards nationally described space standard (DCLG) March 2015.

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class A (or as amended) no two storey extension to the rear elevation of any of the dwellings hereby approved to plot numbers 1, 10, 3, 8, 4, 7, 5 and 6 (as shown on the approved site layout plan reference 8458_P101_D) shall be constructed at any time.

REASON: In the interests of residential amenity including to prevent unreasonable potential for overlooking and loss of privacy to the rear elevation given the proximity (and non-compliance with the 25-metre separation standard as referenced in the Essex Design Guide) of the dwellings as originally approved.

9. Notwithstanding details already agreed, revised details in respect of condition 21 of 15/00362/OUT to show pedestrian footpaths through the strategic open space to the west of the site to which the consent hereby approved relates which link to the points annotated as pedestrian links on the site layout plan hereby approved (reference 8458_P101_D) and which show a pedestrian footpath extending along the entirety of the northern boundary of the southern parcel shall have been submitted to and agreed in writing by the Local Planning Authority. The footpaths shall be delivered in accordance with the agreed details and shall be completed either prior to first occupation at the site hereby approved or in accordance with any such timetable for implementation of landscaping relating to condition 21 that has been or shall have been agreed in writing by the Local Planning Authority.

REASON: To ensure the delivery of pedestrian footpaths in the interests of achieving good permeability throughout the site in the interests of residential amenity.

10. The pedestrian link to the southern boundary of the southern parcel as shown on the approved site plan (reference 8458_P101_D) shall be provided prior to first occupation of either the dwelling to plot 71 or plot

72, whichever is the earlier, and shall be maintained as a pedestrian link through to the adjoining open space to the south in perpetuity.

REASON: To ensure the delivery of pedestrian footpaths in the interests of achieving good permeability throughout the site in the interests of residential amenity.

11. Notwithstanding details already agreed, revised details in respect of condition 21 of 15/00362/OUT to show tree planting along the western boundary (where trees shown to be provided on Drawing No. N00279_CSP_EL_XX_DR_L_001 Rev PL8 would fall outside of the red lined application site boundary associated with the application hereby approved) of both the northern and southern parcels to which the consent hereby approved relates shall have been submitted to and agreed in writing by the Local Planning Authority. The tree planting shall be delivered in accordance with the agreed details and according to the requirements and timetable for implementation of landscaping relating to condition 21 that has been or shall have been agreed in writing by the Local Planning Authority.

REASON: To ensure that tree lined streets are delivered in the interests of visual amenity and to accord with the revised requirement for such in the National Planning Policy Framework (NPPF).

12. Prior to construction of hard surfaces at the site hereby approved for use by vehicles or pedestrians (including parked vehicles), precise details of surfacing materials shall have been submitted to and agreed in writing by the Local Planning Authority. Such surfaces shall be implemented in accordance with the agreed surfacing materials.

REASON: In the interests of visual amenity.

13. The development hereby approved shall be constructed in accordance with the approved Materials Plan 8458_P126 C and Materials Schedule P126A_130821 unless amended details have been submitted to and agreed in writing by the Local Planning Authority pursuant to this condition in which case materials used shall be those agreed. Notwithstanding the above, prior to their first use in the construction of the development hereby approved precise details of the external facing materials to be used in the construction of walls and roofs shall have been submitted to and agreed by the LPA and materials as agreed shall be used in the construction of the development hereby approved.

REASON: In the interests of visual amenity and given the lack of precise details of external facing materials provided in the Materials Plan and Schedule.

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