



PLANNING APPLICATIONS WEEKLY LIST NO.1701
Week Ending 1st March 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 21.03.2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **6th March 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Steve Summers Strategic Director. A planning officer will then set out these planning reasons in the report to the Committee.

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- 4. 24/00017/FUL - Builders Yard And Store 1 Websters Way Rayleigh
pages 57 – 64.

Application No:	23/00924/FUL Zoning :Rayleigh Town Centre, Rayleigh Conservation Area
Case Officer	Mrs Elizabeth Milne
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	50 High Street Rayleigh Essex
Proposal:	Replacement shopfront

SITE AND PROPOSAL

1. The application site is located along Rayleigh High Street. The building is a terraced three-storey flat-roofed block and the application site is located at the southern end of the terraced block. The current shopfront consists of a metal roller shutter to the centre of the shop front with display windows to either side. Number 50 High Street is situated within Rayleigh Town Centre and Conservation Area.
2. The application proposes to replace the existing shopfront with a new aluminium shop front. The aluminium frame would be white with a large display window, a 1000mm door to the right with a small glass window above.

RELEVANT PLANNING HISTORY

3. 85/00500/ADV. Erect internally illuminated sign. Refuse.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
6. The relevant policies in this instance are policies DM1 (Design of New Developments) of the council's Development Management Plan (2014), which indicate that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity without discouraging originality, innovation or initiative.

7. Other relevant policies include the Local Development Framework Core Strategy (2011) CP2 (Conservation Areas) which seeks to preserve the special character of Conservation Areas and to promote good design. Other important documents to be used in the determination of this application are SPD4 (Shop Fronts) and SPD6 (Design Guidelines for Conservation Areas).
8. The SPD4 (Shop Fronts) advocates design must “...*be considered as an intrinsic part of the overall appearance of a building. It should appear to be perfectly related to the upper floors in structural concept, proportion, scale and vertical alignment*”. It goes on to state that “*The new elevation should be compatible with its context in materials, scale and visual intricacy in order to take its place within a harmonious street scene*”. The SPD6 (Design Guideline for Conservation Areas) builds upon on this and states that “*new development...must reflect the characteristics of the neighbourhood*”.
9. The National Planning Policy Framework (NPPF) discusses that new development should make a positive contribution to the local character and distinctiveness and opportunities should be taken to draw on the historic environment to the character of place. Furthermore, it advises that ‘*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth*’ (para 85).

Heritage

10. No. 50 High Street forms part of a modern, three storey commercial block on the north west side of Bellingham Lane / High Street. The building is located within Rayleigh Conservation Area and in proximity to several listed buildings.
11. The proposals comprise the replacement of the existing metal roller shutter with a glass door and fixed glass panel with aluminium frame. It is considered that due to the location of the building within the conservation area and the nature of the changes proposed, there would be no impact upon the special interest of the conservation area.
12. The response from the Historic Buildings and Conservation Officer concluded that the character and appearance of Rayleigh Conservation Area would be preserved in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered acceptable in this regard.

Impact on Character

13. The existing shopfront does not add any value to the street scene nor the wider Conservation Area. The applicant is proposing to install a new

aluminium shopfront, with an entrance to the right-hand side of the unit and glazing extending across the remainder of the frontage.

14. Overall, it is considered that the existing shopfront due to its modern design/materials is of no architectural or historic merit. Consequently, the proposed replacements and alterations to the shopfront on the front elevation will help to preserve the Conservation Area and will not have a detrimental impact upon it.

Impact on Residential Amenity

15. Paragraph 130 (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.
16. It is considered given the location, scale, and nature of the proposed development it will not have any detrimental impact on residential amenity.

CONCLUSION

Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: Based on the information provided to this Planning Committee the Town Council have no objection.

Historic Buildings and Conservation:

50 High Street forms part of a modern, three storey commercial block on the north west side of Bellingham Lane / High Street. The building is located within Rayleigh Conservation Area and in proximity to several listed buildings. Rayleigh is a traditional market town, the original framework and structure of which remain legible today.

The proposals comprise the replacement of the existing metal roller shutter with a glass door and fixed glass panel with aluminium frame. It is considered that due to the location of the building within the conservation area and the nature of the changes proposed, there would be no impact upon the special interest of the conservation area.

It should be noted that the proposed shopfront should retain a stall riser, as shown in the proposed drawings and not as shown in the quotation.

In conclusion, the character and appearance of Rayleigh Conservation Area would be preserved, in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I would therefore have no objections to the proposals.

Neighbours: None received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Supplementary Planning Document 4 (Shop Fronts)

Supplementary Planning Document 6 (Design Guideline for Conservation Areas)

The Essex Design Guide (2018)

Rayleigh Conservation Area Appraisal and Management Plan (2007)

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 Location Plan and Elevation Plan received by the Local Planning Authority on the 30th October 2023 and 17th November 2023.

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 proposed replacement shop front shall retain a stall riser, as shown in the proposed drawings and not as shown in the quotation submitted as part of this application.

REASON: To ensure that the development is undertaken in entire accordance with the details of the approved plan in the interest of the character and appearance of the host building frontage and the visual amenity of the Conservation Area setting in compliance with the guidance set out by the council's Local Development Framework Supplementary Planning Document(s) 4 (Shop Fronts) and Supplementary Planning Document 6 (Design Guideline for Conservation Areas).

The local Ward Member(s) for the above application is/are Cllr R C Linden Cllr J Lawmon Cllr A G Cross

Application No :	23/01026/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Sutton Parish Council
Ward :	Roche South
Location :	Outbuildings Rear Of 2 Shopland Hall Cottages Shopland Hall Road Sutton
Proposal :	Demolition of 5 buildings in use as an aviary breeding centre and erection of one 4-bed dwellinghouse.

SITE AND PROPOSAL

1. The application site is located on Shopland Hall Road, a private road that also shares a Public Right of Way, accessed from Shopland Road. The site includes a two-storey dwellinghouse, garage, stables and Aviary Breeding Centre comprising of various buildings.
2. An application for Lawful Development Certificate for an existing change of use (23/00170/LDC), approved 30th May 2023, established that the 5 no. aviary buildings, comprising the Aviary Breeding Centre, were immune from planning enforcement and represented a change of use away from residential to suis generis. It also established that the buildings, and indeed the stables and residential garage on-site, were also immune. Despite the change in ownership in 2022, as outlined within the respective officer report, the use of the Aviary Breeding Centre for endangered birds continued.
3. The application site is within an isolated rural location, outside settlement limits. To the immediate south of the site is a residential dwelling. Further to the north is another residential dwelling, located approx. 240m north of the subject building. The site is bounded by green fields to the west and north, with a small former churchyard to the east (Shopland Churchyard Conservation Area). Further south from the site is the Shopland Hall Equestrian Centre.
4. Two Grade II Listed Buildings are located nearby; "BARN ABOUT 90 METRES SOUTH OF SHOPLAND HALL" (located approx. 140m south of subject building) and "2 ADJACENT HEAD AND FOOT STONES, SHOPLAND CHURCHYARD" (located approx. 150m south-east of the subject building).
5. The application proposes the Demolition of an aviary breeding centre and the erection of one 4-bed dwellinghouse.

RELEVANT PLANNING HISTORY

6. Application No. 23/00612/FUL - Conversion of Aviary Breeding Centre building to one 2-bed dwellinghouse. Demolition of one aviary cage – Approved - 16th November 2023
7. Application No. 23/00170/LDC - Application for a Lawful Development Certificate for an existing change of use from a dwellinghouse garden (Use Class C3) to an avian breeding centre (Use Class Sui Generis) to include the erection of 5 x aviary buildings, stables and a residential garage. Permitted 30th May 2023.
8. Application No. 08/00300/FUL - Two storey pitched roof front extension, single storey sloped roofed side extension, form hip end to main roof and external alterations to windows and exterior to provide oak beams and render. Permitted 25th June 2008.
9. Application No. 06/00023/FUL - Erect single storey rear and side extensions. Demolish existing detached garage and erect double garage. Permitted 10th March 2006.
10. Application No. 05/00822/FUL - Erect single storey rear and side extensions. Demolish existing detached garage and erect triple garage. Refused.
11. Application No. 97/00617/FUL - Part two storey and part first floor rear extension. Permitted 12th January 1998.
12. Application No. 97/00618/FUL - Part two storey and part first floor rear extension. Permitted 12th January 1998.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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

15. The latest version of the National Planning Policy Framework ('the Framework') was revised in December 2023. Like earlier versions it emphasises 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.

16. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Green Belt

17. Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration.

18. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

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

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

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

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

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of 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, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

22. By virtue of paragraph 154 of the framework the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (g), paragraph 154 of the Framework.
23. As previously stated, the application relates to a roughly rectilinear site which contains several buildings in various states of repair. The topography of the land is relatively flat. The buildings which are subject of this application are located to the north west of the application site and comprise 5no. buildings which are all single storey in nature and are constructed primarily out of facing brick. The case officer considers that the buildings appear to be relatively sound structurally and given their method of construction are afforded a degree of permanence. Located to the east of the subject buildings is an existing garage and stable block (both of which will be retained). Whilst the to the south is no. 2 Shopland Cottages, which is a relatively large detached dwellinghouse. A private drive traverses the eastern aspect of the application site running in a north to south direction and serves 2 Shopland Cottages and equestrian centre beyond. For the most part the subject site is delineated by post and rail fencing and there are sections of mature native hedgerow which are punctuated at intermittent sporadic intervals by mature trees.
24. There is no built-up frontage along this stretch of Shopland Hall Road, it has mature hedgerow along both sides (albeit patchy in some places) with sporadic views of the countryside beyond. There is a relatively large detached dwellinghouse situated directly to the south of the buildings which are the subject of this application. This existing dwellinghouse is owned by the applicant and the red edge on the submitted plans wraps around it. According to the supporting statement and accompanying plans the proposal is for 1no. detached single storey dwellinghouse, given the factors cited above it is considered that the exceptions a) to f) do not apply in this instance.
25. Paragraph 155 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.

26. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The applicant must therefore demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not "very special circumstances" in their own right.

27. The very special circumstances are dealt with in detail in the applicants Planning Statement and include the following:

- there exists a powerful and readily implemented fall back position allowed through 2023 Permission (23/00612/FUL) that allows for residential development of the Site, and potential improvement of existing structure on Site, which, quantitatively have a greater impact than this Proposal.

Assessment Against Exception (g)

28. It is agreed by the Council and the planning agent, that only part (g) requires consideration in relation to the current proposal. The exception under part (g) allows for the partial or complete redevelopment of PDL where either the development would not have a greater impact on the openness of the Green Belt or where the development would not cause substantial harm and would contribute towards an identified affordable housing need.

29. PDL is defined in the appendix to the NPPF as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last

occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

30. The proposed site is currently occupied in part by 5no. buildings of various size and condition. The majority of the buildings were constructed out of facing brick and some elements were clad in horizontal timber boarding. Attached to several of the buildings were large metal cages forming an enclosure, which were used for breeding/keeping of birds in connection with the aviary business. All the buildings on site were of simple utilitarian appearance. In the opinion of the case officer the existing built form was stark and stolid and did not contribute positively to the wider rural vernacular. All of the buildings subject of this application are single storey in height. When the case officer conducted his site visit the buildings did not appear to be structurally unsound, there was no obvious signs of cracking or other forms of failure. In the opinion of the case officer the presence of these buildings/structures on site is a negative feature to the Green Belt and the removal would be a positive improvement to the Green Belt. The applicant's agent infers that the proposal would tidy up a poorly laid out site by coalescence of the built form. Having visited the site, it was patently evident that the majority of these structures/buildings had been on site for a considerable amount of time, well in excess of 10 years.
31. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
32. In the justification for the proposal as part of the applicants Design and Access Statement and accompanying plans the agent infers that the proposal complies with part (g) of para 154 of the framework as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal will not have any adverse impact on the openness of the Green Belt either visually or spatially due to the existing built form, which will be demolished in order to make way for the proposed dwellinghouses. The agent has calculated the floor area/volume of the existing built form and then the proposed use, which are elaborated on below.

33. According to the submitted plans the ridge height to the proposed dwellinghouse is no taller than the existing structures at 3.1m above ground level. The existing buildings provide 543.35m² of built footprint and 1770.62m³ of built volume. By reason the aviary complex comprises five separate structures spread over the site, around 682.43m² of sprawl exists calculated on the external footprints of all five buildings on site and the spaces between each building. By contrast, the proposed replacement dwelling reduces the built footprint and the overall sprawl of development down to 499.9m², and the built volume to 1,550m³. This means that the proposed replacement building is just 87% of the current volume and 82% of the current floorspace on site. Plus, the overall sprawl resultant from the five buildings is reduced from 682.43m² to 499.9m² to achieve just 73.25% of the existing.
34. Paragraph. 154 part (g) of the framework states an exception may comprise an “partial or complete redevelopment of previously developed land”. As previously stated, it is accepted that the site constitutes PDL. Notwithstanding the above, exception g) should be read as a whole and goes onto to state the following:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
35. Paragraph 142 of the Framework states *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. It is patently obvious from the above paragraph that the Government considers the openness of the Green Belt is one of the fundamental characteristics. Whilst the Framework does not clearly define openness it is generally accepted from para. 142 that openness is a spatial designation, which can also have a visual component as attested to by various Court cases (see below).
36. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character

of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.

37. The applicant's agent infers that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposed development for 1no. detached dwellinghouse (as shown on the layout plan) would not cause demonstrable harm to the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: "The concept of "openness of the Green Belt" is not narrowly limited [...] The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents". The Supreme Court ruled authoritatively on the meaning and application of the concept of "openness" within the Green Belt, in *R (Samuel Smith Old Brewery) v North Yorkshire County Council* [2020] UKSC 3. The case law confirms that:

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

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

39. In terms of openness of the Green Belt, the proposal would involve the demolition of numerous buildings/structures (no.5) which are spread across the application site and replaced with the construction of 1no.

single storey detached dwelling. It is considered that the existing built form is quite disparate and incongruent resulting in a built form that is spread across a wide section of the application site. The proposal seeks permission to demolish these buildings/structures and coalesce the built form by erecting no.1 detached dwelling, which is broadly welcomed.

40. As previously stated, according to the submitted plans the ridge height to the proposed dwellinghouse is no taller than the existing structures at 3.1m above ground level. The existing buildings provide 543.35m² of built footprint and 1770.62m³ of built volume. By reason the aviary complex comprises five separate structures spread over the site, around 682.43m² of sprawl exists calculated on the external footprints of all five buildings on site and the spaces between each building. By contrast, the proposed replacement dwelling reduces the built footprint and the overall sprawl of development down to 499.9m², and the built volume to 1,550m³. This means that the proposed replacement building is just 87% of the current volume and 82% of the current floorspace on site. The overall sprawl resultant from the five buildings is reduced from 682.43m² to 499.9m² to achieve just 73.25% of the existing.
41. The development proposal if allowed would result in a decrease in the scale, massing and bulk of the existing form, which will be to the betterment of the aims and character of the Green Belt. In the opinion of the case officer the proposal would not erode the openness of the Green Belt in spatial terms with the development not having a greater impact on the openness of the Green Belt and so would benefit from exception g) of the Framework. Furthermore, the demolition of the existing buildings/structures within the application site and the coalescence of the built form, by erecting 1no. detached property will enhance the visual openness of the Green Belt. Consequently, in the opinion of the case officer the proposed development would comply with relevant policies in the Local Development Management Plan, Core Strategy and Policy 154 of the Framework.

Fall Back Position

42. The law on the materiality of fallback positions was summarised in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 at [27]. The fallback position of a particular site will be a material consideration where there is a possibility of implementation: this is a lower bar than a 'probability' or 'likelihood'. Fall-back cases will be fact-specific, and the role of planning judgment is vital. Consideration is an exercise of broad planning discretion based on the individual circumstances of each case.

43. As previously stated, planning permission was recently granted for the Conversion of Aviary Breeding Centre building to one 2-bed dwellinghouse. Demolition of one aviary cage (Application No. 23/00612/FUL) which was granted planning permission on the 16th November 2023. The agent confirms that this permission is still extant and could be readily implemented and as such is an important material consideration which should be taken into the planning balance.
44. According to the applicants supporting statement this proposal would replace the existing structures with just 92% of the existing floorspace, 87% of the built volume and 73.25% of the spread and sprawl of development across the site by reason of a reduction of six buildings down to one. The reduction is material and the correct weight applied in the decision-making process. Retention and improvement of on-site buildings is feasible and would create more harm moving forward to the openness of the Green Belt.
45. The applicants agent goes to stress that the relative impact on openness of the proposed development and the full fallback position for a dwellinghouse plus improved aviary buildings should be weighed in the balance as a key planning consideration. Trading the multiple buildings for one combined and coherent dwellinghouse would enhance the visual impact of development at the Site, allowing for better-proportioned, more symmetrical development. This would align with overall policy objectives to control intrusive impacts on the openness of the Green Belt by reason of sprawl. The relationship with the fallback position should therefore be accorded great weight in the planning balance. The case officer agrees with the assertions, and conclusions reached by the applicants agent.

Sustainability

46. According to Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.
47. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:
- (i) is well related to a defined residential settlement;
 - (ii) is well related to local services and facilities;
 - (iii) has good connections to the strategic road network;
 - (iv) would promote sustainable transport modes;
 - (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;

- (vi) is located within the South Essex Coastal Towns landscape character area.

48. Despite the reasonably isolated location of the subject building and wider site, it is within reasonable distance to Southend-On-Sea. The site is in close proximity to the borough boundaries, but through reviewing Southend-On-Sea City Council's adopted Development Management Plan, the subject site is approx. 850m from the defined settlement boundaries. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The subject building is located approx. 950m north-east from a nearby Waitrose convenience store, and while this is beyond the example 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.
49. In respect of connections to the road network, Shopland Hall Road is accessed from Shopland Road, which connects interspersed dwellings and businesses on the outskirts of Southend-On-Sea to roads within the defined settlement area. Whilst there appears to be no bus stops along Shopland Road and therefore the site is not particularly well serviced by public transport, there are some bus stops on roads linking to Shopland Road, such as Barling Road further east of the site.
50. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.
51. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly.
52. The agent has also inferred that the proposal will achieve a high-quality architectural design which addresses the Green Belt context. Furthermore, it will remove unsightly buildings with limited architectural merit and replace them with a well-designed home which seeks to reflect the context in which it will be sited. The agent goes on to state that the proposal will be sensitively landscaped which helps to integrate the proposed development into its surroundings and results in visual enhancements. In the opinion of the case officer any development should be sensitively landscaped so that it fits into the local environ and

this is not a sufficient justification on its own to warrant an approval. Additionally, whilst the design of the proposed dwellinghouse is of a reasonable standard it is not particularly innovative.

Design and Impact on the Character of the Area

Layout, Scale and Appearance

53. 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. It also states that housing applications should be considered in the context of the presumption of sustainable development. 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 (para 131).
54. 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).
55. There is no common design established for the isolated neighbouring dwellings within the local and wider area. The existing dwelling on-site is of a mock Tudor design with part red brick, with part black timber and part red brick extension, with part black timber and part red brick garage and stables buildings (the garage and stable are subjects of this application). Further afield the general vicinity is punctuated by sporadic residential development, which includes a variety of housing types, for example, two storey detached and terraced properties and a wide ranging palette of materials has been used to construct them. Furthermore, the roofscape is not homogeneous and is varied with the use of hips and gables.
56. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1m between the outside face of the wall to habitable rooms and the plot

boundary. According to the submitted plans the proposal complies with the aforementioned criteria.

57. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwelling will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Core Strategy.
58. The proposal will have a simple elongated rectilinear footprint measuring 15.1m wide by 33m long and is 3.1m high. The proposal will incorporate a flat roof. The proposed dwellinghouse will be constructed out of block (presumably) and clad in vertical weatherboarding under a modern fiber glass roofing system. The apertures will be formed using aluminium. It is considered that this relatively simple palette of materials is in keeping with the wider vernacular and will not cause any demonstrable harm to the character and appearance of the wider streetscene. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark. Internally the proposal will comprise open plan living room/dining room/kitchen and 4no. bedrooms all en-suite.
59. As noted previously, the subject site is located in close proximity to the Shopland Churchyard Conservation Area to the east, designated in 1992 and formed by the boundary of the churchyard and former church (demolished in 1957). Despite its relatively small-scale, isolation, and lack of buildings, the associated appraisal notes the area is worthy of appropriate protection given the combination of elements that contribute to its special character. Given the design, scale and separation distances involved and the intervening buildings on-site and the access road that separate the subject building from the boundaries of the Conservation Area, it is considered that the proposal will have no material impact on the historic area. Colleagues in Places Services have been consulted and state they have no objection to the proposal (see section 79)
60. Overall, it is considered that the design of the proposed dwellinghouse is quite modern and contemporary in nature, due to its relatively low height will be screened to a large extent by existing vegetation. However, the case officer considers it prudent to attach a landscaping condition to help assimilate the proposal into the wider environ. It is reasoned that the design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in

any particular way it would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwelling will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

Impact on Residential Amenity

61. Paragraph 130 (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.
62. Amenity is defined as a set of conditions that one ought 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.
63. The existing dwelling on-site would be the subject dwelling's immediate neighbour, in addition to the dwelling directly to the south of the existing dwelling, and the dwelling approx. 240m north of the subject building.
64. It is noted that the proposed dwellinghouse will have apertures on all of its elevations which will serve habitable rooms. Nonetheless, it is considered that due to the separation distance between the proposed development and the surrounding residential dwellings and the single storey nature of the building, in addition to the boundary treatment, which will be conditioned accordingly, the proposal is not considered to significantly impact on the residential amenity of neighbouring occupiers in terms of having an overbearing impact, overlooking or overshadowing.
65. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect of noise,

light, overlooking or privacy to the surrounding properties, neither would it have a significant overbearing impact.

Living Conditions for Future Occupiers

Garden Size

66. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 130 criterion (f) of the Framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
67. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m² minimum.
68. The layout submitted shows that the proposed dwelling could be provided with private amenity space in excess of the requirements. It is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.

Technical Housing Standards

69. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard.
70. 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.
71. 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.

72. A one storey dwelling which would comprise four bedrooms accommodating either five or six people would require a minimum Gross Internal Floor Area (GIA) of 90m² or 99m² respectively. Additionally, the dwelling must have a minimum of 3m² of built-in storage.
73. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.
74. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 499m², and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.
75. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No. 1	58m ²
Bedroom No. 2	28m ²
Bedroom No. 3	58m ²
Bedroom No. 4	28m ²

76. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements. Furthermore, it was noted that no storage area was identified on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a four bedroomed property and as such it is considered insufficient justification for the slight shortfall in storage space to warrant a refusal and substantiate it at any future Appeal.
77. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

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

Impact on Setting of Listed Building and Shopland Churchyard Conservation Area

79. The application site is located on the west side of Shopland Hall Road, to the rear of 2 Shopland Hall Cottages. To the east of the application site is Shopland Churchyard Conservation Area, which comprises the churchyard of the former parish church of Shopland (now demolished). To the south of the site is the historic farmstead of Shopland Hall and the Grade II listed Barn about 90 metres south of Shopland Hall (List Entry Number: 1113358); a circa early eighteenth century timber framed and weatherboarded barn.

80. As previously stated, colleagues in Place Services Historic Buildings and Conservation have been consulted regarding the proposed development and they state “*This application follows a previous application (reference 23/00612/FUL) for the demolition of one aviary cage and the conversion of one aviary breeding centre building to one two-bedroom dwellinghouse. Place Services advice for this application set out that we ‘do not consider the proposed conversion to result in harm to the setting or significance of the heritage assets, due to distance and intervening development.’*”

The applicant now proposes to demolish all 5 buildings in use as the aviary breeding centre and the erection of a 4-bed dwellinghouse. The proposed 4-bed dwellinghouse would occupy roughly the same footprint as 3 of the existing aviary breeding centre buildings and would be comparable in height. As such, it is considered that our previous advice still stands and there would be no harm to the significance of the identified heritage assets due to change within their setting.

In conclusion, it is considered that the proposed works would not impact upon the significance of the Grade II listed Barn or Shopland Churchyard Conservation Area. This would be in accordance with Section 16 of the National Planning Policy Framework (NPPF) and Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990”.

81. In light of the aforementioned comments the case officer agrees with the Conservation Officer assessment and does not consider there is sufficient justification to warrant an alternative view.

Impact on Highway Safety

82. 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.
83. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m.
84. In accordance with paragraph 111 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.
85. The proposed layout plan indicates that the proposed dwelling will share parking spaces with the neighboring dwelling on-site. Furthermore, as the site has ample parking space and a large garage, the plans show that a minimum of two parking spaces (side by side) can be accommodated at the front access of the site. According to the submitted plans the proposal site is located in a private road that is shared with a Public Right of Way footpath.
86. It is considered that any intensification resulting from the provision of 1 no. new dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Furthermore, colleagues in Highways and PROW have been consulted and raise no objection to the proposed development, stating that there is "adequate room is available for off-street parking." Purely in relation to Highways matters there is no reason for the Local Planning Authority to take an alternative view. Highways have outlined, however, that no objection to the application is raised subject to two planning conditions; the public's rights and ease of passage over public footpath no. 14 (Sutton) shall be maintained free and unobstructed at all times, and prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards and shall be secure, convenient, covered and retained at all times.

87. Overall, it is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed dwelling. Furthermore, it is not considered that one additional dwelling at this locality will cause demonstrable harm to the highway network. The additional comings and goings of vehicles as a result of this proposal will not result in significant disturbance to neighbours via noise and dust which can be substantiated and warrant a refusal. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Refuse and Waste Storage

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

Flooding & Drainage

89. 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.

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

Trees

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

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

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

92. The Councils Arboricultural Officer has been consulted regarding the proposed and raises no objection.

Ecology

93. To accompany their planning application the applicant has submitted a Preliminary Ecological Appraisal (PEA) Report, produced by Johns Associates and dated 16th March 2023.

94. The Report outlines that the subject site is within 2km of two statutory designated sites of European/International importance; Essex Estuaries Special Area of Conservation (SAC), and Crouch & Roach Estuaries SPA (Mid-Essex Coast Phase 3) and Ramsar Site. It also outlines the subject site is within 2km of one statutory designated site of National importance for nature conservation; Crouch and Roach Estuaries SSSI.

95. Furthermore the report outlines there is one Local Wildlife Site (LOWS) within 2km of the subject site; Sutton Ford Bridge Pasture LOWS, and five priority habitats within 2km of the subject site (none in immediate vicinity).

96. The Report outlines there is no requirement for a Habitat Regulations Assessment as all likely significant effects have been screened out.

97. The Report concludes that; sensitive clearance works should be implemented under a Method Statement for reptiles, amphibians, and nesting birds to ensure no legal offences are committed during site preparation/pre-commencement works, and emergence/re-entry bat surveys to establish appropriate mitigation measures. The Report also outlines enhancements within the redline boundary to provide biodiversity net gain as a result of the development.

Off Site Ecology

98. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one 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

100. 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.

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

CONCLUSION

102. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Sutton Parish Council: Object to the planning application for the following reasons:

- An inappropriate design and will bring visual and detrimental harm to the Greenbelt;
- The Change of Use from an Aviary Breeding Centre to a 4 bed modern dwelling house will bring visual and detrimental harm to the Greenbelt; and
- A 4-bed modern dwelling house will bring further visual and detrimental harm to the Greenbelt and to the adjacent Rochford District Council protected Conservation Area of St Mary's Churchyard, Shopland.

Essex County Council Highways: No objection subject to the imposition of conditions relating to public footpath no.14 (Sutton) to be always maintained free and unobstructed and a condition relating to cycle parking provision and standard informatives.

Arboricultural Officer: No objection

Essex County Council Place Services Historic Buildings and Conservation Advice: It is considered that the proposed works would not impact upon the significance of the Grade II listed Barn or Shopland Churchyard Conservation Area.

Neighbours: 1no. response from the following addresses;

Shopland Road: Shopland Hall House

- The proposal does not meet the aims of protecting the Green Belt;
- The revision will introduce additional activity that will impact upon the openness of the green belt with the volume of development presenting a detrimental impact on residential amenity by reason of volume in use terms. This is in direct conflict with Policy DM13 of the Core Strategy and the Councils Development Management Plan; and
- The proposal is not well related to the existing residential properties and the principle of the increased housing is in direct conflict with the sustainable transport modes. There is a close proximity to services but access to these has not been appropriately considered within the previous application and requires a technical review to address the increased volume having note to the lack of alternative sustainable transport modes or paved footpaths in the location.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ENV9, T3, T6.

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Shopland Churchyard Conservation Area Appraisal and Management Plan (2007)

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 0414.31 (Proposed Plans) received by the Local Planning Authority on the 11th December 2023 and 0414.11 (Location Plan and Block Plan) received by the Local Planning Authority on the 10th January 2024.

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

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

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

- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

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

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

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

6. Prior to the first occupation of the development a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in the first planting season following the commencement of the development,. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality.

7. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place unless a dimensioned tree protection plan and arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The submitted method statement shall include (but not be limited to) information about precautions and methods to minimise damage to existing tree(s) during the alteration/installation/renewal of any services and hard surfacing near to retained tree(s) and also details of precautions and protection measures to be put in place to minimise

damage to retained tree(s) during construction activities such as access to/from the site.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality.

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

REASON: To ensure continued control over the extent of further building on the site in the interests of the openness of the Green Belt.

9. The public's rights and ease of passage over public footpath no. 14 (Sutton) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of Essex County Council's Development Management Policies.

10. Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of Essex County Council's Development Management Policies.

11. The recommendations and enhancement measures given in the Preliminary Ecological Appraisal Report by Johns Associates dated 16th March 2023 shall be followed at all times when implementing the development. The enhancement measures shall be installed in accordance with the details set out in the Report, no later than within 3

months of the occupation of the dwelling hereby approved, and shall thereafter be retained.

REASON: To safeguard legally protected species, and to ensure no biodiversity loss.

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

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

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

The local Ward Member(s) for the above application is/are Cllr J N Gooding
Cllr M J Steptoe Cllr A L Williams

Application No :	23/00389/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	National Grid London Road Rawreth
Proposal :	Erection of an electrical substation

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 (approximately 110m west of the site boundary). The development site area totals 1845m² (0.18 ha).
2. The closest residential properties to the site are located approximately 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 approximately 410m to the north of the site. Again, views from these properties into the site are be screened by existing field boundary vegetation.
3. The application proposes a substation and associated infrastructure. This includes a control building (9.6m x 5m in size) housing a UKPN relay room, client relay room, demarcation store and metering room. Access is provided to the control building via three double doors which are provided on the south-eastern façade of the building.
4. In addition, the application includes an external transformer compound (22m x 36m in size) which will be surrounded by 1.2m high stock security fencing with 2.6m high weld mesh security fencing. Access to the transformer compound can be achieved via the control building (pedestrian only), or via two double leafed vehicle access gates to the north-east and south-west of the control building.

5. Furthermore, the application includes a new access track from the proposed substation to the existing National Grid Rayleigh Substation access road off the A129 London Road. This access road will be used for construction and operational traffic. The proposed access track would be surfaced with compacted stone to provide an even surface for vehicle movements and to provide a stable base for installation and maintenance (when required). The transformer compound and control building would be located on concrete foundations. The applicant notes that the areas of hardstanding on the site would provide sufficient parking space for the occasional maintenance engineer vehicle to park while carrying out activities within the transformer compound / control building.
6. An underground grid connection cable would also be required to connect the proposed substation to National Grid's main Rayleigh Substation. As the installation of this cable would be undertaken by an Independent Connection Provider in accordance with National Grid design requirements under Permitted Development Rights, these works do not form part of this planning application.
7. The applicant states that the proposed substation would provide essential UK Power Networks (UKPN) infrastructure required to enable a connection to National Grid's Rayleigh Substation for future renewable energy developments. It will ultimately be adopted by UKPN, as confirmed with a letter submitted under the application.

RELEVANT PLANNING HISTORY

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 2023. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
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 includes habitat sites and/or land designated as Green Belt) or assets

of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

19. Given the characteristics of the immediate and wider area, specifically the precedent set due to previously approved and implemented energy-related developments, the proposed development does not conflict with any immediate land uses in proximity. In addition, the stated need for the proposed development (enabling connection to the National Grid's Rayleigh Substation for future renewable energy developments) would be in support of the Council's objectives in respect of encouraging and enabling renewable energy development.
20. Paragraph 5 of the framework states that "National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications." As such the Overarching National Policy Statement for Energy (EN-1) (revised draft published March 2023) is a material consideration which must be taken into account in the determination of this planning application.
21. Paragraph 4.6.6 of the EN-1 states that whilst the applicant "may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation." In addition, it notes that "the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area." The design considerations associated with the proposed development are considered later in this report.

Green Belt

22. 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.
23. Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt. 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.

24. 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.*

25. 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.

26. In respect of site availability, details on the sequential site selection are outlined within the submitted Planning Statement. The applicant notes that the proposed development can only be implemented where site conditions are favourable and two main criteria points are both satisfied; 1) it must be located proximate to an existing substation that has the capacity to accommodate future renewable energy development, and 2) in order to allow connection to the National Grid, there is a locational requirement for it to be sited close to existing National Grid electrical substations, to minimize transmission losses.

27. It is stated by the applicant that the Rayleigh Substation is one of a limited number of existing substations suitable to accommodate the proposed development, as it has the capacity to accommodate connections for renewable energy development. For the proposed substation to remain viable in terms of transmission losses, it must be located within 500m of Rayleigh's National Grid Substation. In detailing the site availability search, the applicant notes that all land within 500m of the existing substation, except for one parcel of land to the south of the nearby railway line, is located within the designated Green Belt.

28. The parcel of land not within the Green Belt is subject to two designations;

- Site NEL1 'West of the A1245, Rayleigh' is allocated for employment and now accommodates the Arterial Park industrial estate. Pelagic Energy contacted the Agent of the Arterial Park site in February 2023 during a search for a 0.75 hectare parcel of land to accommodate a potential BSF. The Agent confirmed that there is no land available and as such, Site NEL1 was discounted (the applicant includes this correspondence within Appendix E of the submitted Planning Statement).
- Site GT1 is allocated for Gypsy and Traveller accommodation and as such, would not be suitable to accommodate a substation and was therefore discounted.

29. It is accepted that any substation proposed to accommodate future renewable energy connections to National Grid's Rayleigh Substation would require a location within the Green Belt.

30. Concluding on this, the applicant notes that the subject site was selected as the most suitable and preferable site because;

- *It is commercially available;*
- *It is located directly adjacent to existing development at National Grid's Rayleigh Substation;*
- *It is remote from residential property;*
- *It does not require the grid connection cable to cross a public highway (thus, minimising disruption);*
- *It is not constrained by overhead lines;*
- *It benefits from screening by existing vegetation;*
- *It is located on land of low ecological value; and*
- *It is free from planning and environmental constraints with the exception of Green Belt.*

31. Furthermore, it is noted that the approved BSF directly north of the site (ref no. 21/00522/FUL) could soon be built out, given the recent discharge of conditions. If built, the proposed development would be sited between that development and the existing substation. This would further ensure the proposed development would be viewed in the context of existing energy-related development rather than a standalone feature within the countryside. In the event that the approved BSF is not built out, it is considered that the proposed development would still be considered against the context of the existing substation directly south of the subject site. In addition, Policy DM11 to the Council's adopted Development Management Plan generally advocates support for existing lawfully established businesses in the Green Belt, including allowing extensions to existing business premises.

32. Sitting in direct proximity to the existing infrastructure, enabling the development to be viewed within the existing context of the current

ongoing energy-related uses in direct proximity and screened well by existing vegetation, it is considered that the proposed development has no material impact on the particular objective of the designated Green Belt to prevent urban sprawl, merging of towns, or encroachment into the countryside. For this reason, it is considered that the proposed development does not conflict with the purposes outlined through parts (a), (b) and (c) of paragraph 143 of the framework.

33. In addition, the subject site is not within an historic town or adjacent to any historic assets, therefore it is considered that it does not conflict with the purpose outlined through part (d) of paragraph 143 of the framework.
34. The applicant notes that the proposed development would provide essential UKPN infrastructure required to enable a connection to National Grid's Rayleigh Substation for future renewable energy development and is best suited adjacent to an existing substation to avoid transmission losses. In reasoning the location of the proposed development, the applicant states the subject site was selected as it is "located adjacent to existing substation development and would result in the fewest technical and environmental impacts." Therefore, it is considered that part (e) of paragraph 143 of the framework (assisting in recycling of derelict and urban land) is not relevant in this specific case.
35. Paragraph 153 of the framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 154 of the framework states that the local planning authority should regard the construction of a new building as inappropriate in the green belt. There are exceptions to this as identified by paragraphs 154 and 155 of the framework. The proposed development would not fall within any of the exceptions listed, and as such must be regarded as inappropriate development in respect of the context of the Green Belt.
36. Furthermore, paragraph 153 of the framework notes that "very special circumstances" will not exist unless "the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." As such, very special circumstances must exist in respect of the proposed development, which clearly outweigh any potential harm to the Green Belt, and any harm caused by the proposal.
37. The applicant notes that the subject site is in direct proximity to the existing development at National Grid's Rayleigh Substation, which would also constitute inappropriate development within the Green Belt. Furthermore, the applicant notes that the permission for two Battery

Storage Facility (BSF) schemes (ref no. 17/00939/FUL and 21/00522/FUL) should be a material consideration, as both schemes were identified as inappropriate development that would have to demonstrate “very special circumstances” to proceed. As the applicant notes, the officer report for ref no. 21/00522/FUL states that the fact that the proposal would represent a “form of development which is critical infrastructure to the UK and would improve the electricity infrastructure for the United Kingdom Power Network (UKPN) region”, this was considered a very special circumstance. The officer’s report concluded that “there would be limited harm in Green Belt terms set against significant benefits of the development... The consequences of refusing the application while avoiding this very limited harm, would lose substantial benefit and in the planning balance this amounts to the very special circumstances required to outweigh the perceived inappropriate nature of the development in Green Belt terms. As such officers do not consider the proposal to conflict with National Policy for the Green Belt or Policy GB1 to the Council’s adopted Core Strategy.”

38. The applicant considers that the acceptance of the “very special circumstances” for the two approved schemes, which also comprise infrastructure required to enable the future deployment of renewable energy generation and supply, is a material consideration in whether the proposed development under this application should also be considered under “very special circumstances.”
39. In addition, the applicant notes national energy security as a consideration into whether the proposed development can be considered under “very special circumstances.” The applicant notes that there is a clear need to ensure security of supply through the development of a diverse energy generation system to support an increase in deployment of renewable energy.”
40. National Grid’s Future Energy Scenarios (FES) document (July 2022) sets out within the Foreword (Page 4) that, “Through reducing our reliance on fossil fuels and moving towards 100% renewable and low carbon energy, we can create long-term energy security and deliver sustainable economic opportunities across the country... Investing in a renewable and low carbon future now will help bolster energy security in the future.”
41. The applicant notes that the UK government’s commitment to net-zero carbon emissions by 2050 is likely to see an increase in the deployment of renewable energy generation over the next 30 years, which in turn will result in increasing demand for compatible grid connection infrastructure. The applicant also notes that the FES predicts that electricity demand will need to almost double by 2050 due

to increasing population, the transition to electric vehicles, hydrogen production and move away from natural gas for heating. This increased energy demand “will need to be met by renewable, low-carbon and carbon negative sources in order to achieve net zero by 2050.”

42. Paragraph 156 of the framework states that renewable energy projects comprise inappropriate development within the Green Belt, and again notes that “very special circumstances” are needed to be demonstrated if projects are to proceed. Paragraph 157 of the framework notes that the planning system should “support the transition to a low carbon future... and support renewable low carbon energy and associated infrastructure.” While the proposed development does not include any renewable energy production, it is accepted that it would provide essential infrastructure required to accommodate future renewable energy connections to National Grid’s Rayleigh Substation. For this reason, the characterisation by the applicant of the proposed development as “low carbon energy associated infrastructure” is accepted.
43. For the purposes of the determination of this planning application it is considered that the applicant’s position, that the proposed development’s 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, does enable the proposed development to be considered under “very special circumstances” to be weighed against the harm to the Green Belt.

Planning Balance

44. When located in the Green Belt many energy-related projects will comprise inappropriate development. Overall, while there are mitigating factors in respect of the proposed development ultimately not conflicting with the purposes of the Green Belt outlined under paragraph 143 of the framework, the proposed development must be considered as inappropriate development as outlined by paragraph 154 of the framework and by failing to meet the exceptions outlined under paragraph 154 and 155 of the framework.
45. As outlined by paragraph 153 of the framework, inappropriate development should not be approved except in very special circumstances that clearly outweigh the harm to the Green Belt and any other harm.

46. Officers consider from the information provided by the applicant that other sites have been comprehensively considered and that the site proposed is the best site selected for the proposed development. Effort has also been made to select a site with as limited impact as possible on its Green Belt location and on the openness of the Green Belt. In addition, the same very special circumstances apply to the access infrastructure proposed. The infrastructure would be required in connection with the wider strategic objective, such that the very special circumstances which include matters of national and local importance, justify the development on the site proposed.
47. Overall, there would be limited harm in Green Belt terms set against significant benefits of the development in terms of supporting the growth in flexible energy supply and strong evidence that the development could not be located in a non-green belt location. The consequences of refusing the application while avoiding this very limited harm, would lose substantial benefit and in the planning balance this amounts to the very special circumstances required to outweigh the perceived inappropriate nature of the development in Green Belt terms. As such officers do not consider the proposal to conflict with National Policy for the Green Belt or Policy GB1 to the Council's adopted Core Strategy, and the proposal would generally accord with Policy DM11 that allows for the lawfully established business of power supply at the location to be extended.

Design and Impact on the Character of the Area

48. Policy CP1 of the Core Strategy and Policy DM1 of the 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).
49. 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.
50. The design of the substation infrastructure is typical of similar related developments, with an industrial and functional appearance not unlike the existing substation compound to the south of the subject site, which

will continue to dominate the immediate landscape around the wider area. There are no sensitive receptors to the subject site in direct proximity.

51. The proposed external transformer compound (22m x 36m in size) will present smaller in scale compared to the existing substation's compound, which it will merge with from a visual perspective. The compound will be surrounded by a 1.2m high stock security fencing with 2.6m high weld mesh security fencing.
52. Also included within the proposed development is a control building (9.6m x 5m in size) housing a UKPN relay room, client relay room, demarcation store and metering room. Access is provided to the control building via three double doors which are provided on the south eastern façade of the building. The single storey portacabin style modular building will not visually detract from the industrial style buildings within the wider area associated with the neighbouring uses.
53. A new access track will lead from the proposed substation to the existing National Grid Rayleigh Substation access road off the A129 London Road. This access road will be used for construction and operational traffic. The proposed access track would be surfaced with compacted stone to provide an even surface for vehicle movements and to provide a stable base for installation and maintenance (when required). The access and hardstanding proposed is a relatively minimal visual inclusion, has been led by functional requirements, and does not lead to any over intensification of surfacing.
54. The subject site is afforded a high level of visual enclosure from the existing sub-station, the embankment of the A130 and a railway embankment. Tree cover associated with the highway network and screen planting to the substation provide further screening, the effectiveness of which will increase over time. The most striking views will be that from the short stretch of the A130 to the west into the subject site, but given the visual precedent set by the large-scale existing substation directly south, this is not considered to be an increased significant visual obtrusion given the existing context.
55. Policy ENV6 'Large Scale Renewable Energy Projects' identifies that planning permission will be granted for large scale renewable energy projects if the development is not "within, or adjacent to, an area designated for its ecological or landscape value, such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI's), Ancient Woodlands, Local Nature Reserves (LNRs) or Local Wildlife Sites (LoWSs); or if it can be shown that the integrity of the sites would not be adversely affected" and if "there are no significant adverse visual impacts".

56. It is noted that while the proposed development would not generate renewable energy itself, it would provide essential UKPN infrastructure required to enable future renewable energy development's connection to the electricity grid at National Grid's Rayleigh Substation, which directly supports the increased deployment of renewable energy generation and is considered renewable "associated infrastructure." For the purposes of fullness of assessment, the proposed development has therefore been assessed against the provisions of Policy ENV6.
57. The subject site is not located within or adjacent to, nor would it adversely affect the integrity of any of the designated sites listed within Policy ENV6. Furthermore, the subject site would be well screened by existing vegetation and would be viewed in the context of the adjacent National Grid substation development, and potentially the approved BSF directly north of the site. As such, the proposed development would not result in any significant adverse visual impacts. It is therefore considered that the proposal would accord with Policy ENV6.
58. 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

59. Policy DM1 seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
60. While the proposed development is of a relatively modest scale in comparison to other energy related infrastructure, the principle of maintaining suitable distance from neighboring residential properties, as well as ensuring no significant impact to their residential amenity, is a key consideration in the assessment of this proposal. All energy related infrastructure is best located away from residential properties, and safety and security are paramount at an electricity substation.
61. 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.
62. There will be no public access to the site, and entry would be security controlled. The transformer compound would be sited behind a 2.6m high security fence with controlled vehicle access gates. Appropriate

signage to adhere to HSE regulations would be clearly displayed. An Alarm Receiving Company would be appointed to ensure that no one enters the site when the facility is not occupied, they will monitor the Site 24/7 and raise any necessary alarms with site management staff or the local police. The security system will include a Closed-Circuit TV (CCTV) system, motion sensors, tannoy system and security lights.

63. Policy DM5 to the Council's Development Management Plan requires applicants to consider the impact of proposed development and lighting with regard to the limitations against obtrusive light set out in guidance from the Institution of Lighting Professionals so as to avoid inappropriate light pollution. Lighting is low-key at the proposed development, kept to a minimum and would only be used when maintenance staff are present on-site to allow them to safely move around the site, consisting of low-level directional LED lighting with shrouds to prevent upwards spillage. The facility would require limited attendance by maintenance operatives. When not attended there would be no need for lighting. As such the applicant has demonstrated that the minimal amount of lighting would occur with the least harm to the rural landscape and in accord with Policy DM5.
64. The proposal is not considered to 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

65. 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.
66. The Council's Historic Environment Team have raised no objection to the application, stating that "due to distance and lack of visibility/intervening development is not considered to contribute to the significance of the heritage assets. Therefore, the proposed erection of an electrical substation is not considered to result in harm to their significance."
67. The proposed development is therefore in accordance with the guidance contained within the framework and Planning Practice Guidance (PPG) in relation to built heritage.

Impact on Highway Safety

68. 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. It is noted that during the operational phase, the proposed development would be controlled remotely as the facility is fully automated. However, a team of maintenance engineers would visit the proposed substation on routine monthly maintenance visits.

69. A new access track will link from the proposed substation to the existing National Grid Rayleigh Substation access road off the A129 London Road. Both construction and operational traffic would use this access route. The proposed access track would be surfaced with compacted stone to provide an even surface for vehicle movements and to provide a stable base for installation and maintenance (when required). The proposed areas of hardstanding on the site would provide sufficient parking space for the occasional maintenance engineer vehicle to park while carrying out activities within the transformer compound / control building. Colleagues in Essex County Council Highways Department have been consulted regarding the proposed development and they do not have any objections to the proposal.

70. Overall, it is considered that the proposal is acceptable and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and Policies DM1 and DM30 of the Development Management Plan and the NPPF.

Ecology

71. Policy DM27 of the Development Management Plan states that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat.

72. An Ecology Report by Wild Frontier Ecology (WFE), dated April 2023, has been submitted. The report notes that a Habitat Survey was undertaken, as was a desktop study. The report outlines that the site was found to be classed as "other neutral grassland" in "poor" condition, and the loss of the small area of grassland on site would constitute "no more than minor negative impacts to habitats locally." Furthermore, the report notes that the small-scale nature of the development means "negligible" impacts to designated sites are expected. In addition, no long-term impacts to protected or valued

species are expected, though the report caveats that as individuals of any could be injured or killed during construction works, a series of best practice measures are advised to minimize or avoid any impacts. It also confirms no hedgerow or tree removal is required to facilitate the development.

73. It was found that all statutory and non-statutory designated sites are separated from the development area by over 1.5km. There is one statutory designated site within 2km of the development site, Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ), which is approximately 1.7km north of the proposed substation. There are two non-statutory designated sites, called Local Wildlife Sites (LoWS) in Essex, within 2km of the development site; The Wick Country Park is 1.75km west of the site, and Home Farm Meadow is 1.97km south-west of the site. The report notes that impacts to the MCZ and LoWS are not expected during operational use of the substation. Neutral impacts to all designated sites are expected both during construction and operational use.

74. In respect to protected or valued species;

- Bats - no roosting habitat for bats within the red line boundary or immediately adjacent. Neutral impacts to roosting bats are near certain;
- Foraging bats – no night-lighting expected during operation, but any night-lighting during construction may disrupt foraging or commuting bats, therefore could lead to at worst temporary, minor negative impacts. A series of best practice mitigation measures are recommended;
- Great Crested Newts – neutral impact as no ponds within 250m of the site;
- Badgers – no signs of badger activity on the site, but minor negative impacts are conceivable due during construction therefore best practice mitigation recommended;
- Reptiles - no signs of reptiles activity on the site, but minor negative impacts are conceivable due during construction therefore best practice mitigation recommended;
- Water voles and otters – no suitable habitat therefore neutral impacts predicted; and
- Priority species - priority Species such as hedgehogs, common toad and brown hare will be present in the local area and may occur occasionally on site. The risk of these species being injured or killed (in the event that they come into contact with the works) is outlined as low, but at worst this could have a temporary, minor negative impact on local populations. Best practice measures are advised as a precaution, to prevent harm to terrestrial animals.

75. As noted, the report outlines a series of best practice mitigation measures. In addition, while the footprint is small in size with limited

scope for enhancement, the report does outline opportunities for ecological enhancement alongside the access road or immediately adjacent grassland, consisting of the planting of species-rich meadow mixture. The mitigation and enhancement measures outlined are secured through planning condition.

76. Having regard to the above it is considered that with the inclusion of appropriate mitigation there will not be a significant impact to protected species or habitats as result of development and as such the proposal would not conflict with Policy DM27 of the Council's adopted Development Management Plan.

Trees

77. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. The Core Strategy states in section 8.4 regarding tree retention "*The Council is committed to the protection, promotion and enhancement of biodiversity throughout the District. Biodiversity is the variety of living species on earth including well known trees and animals as well as lesser known insects and plants and the habitats that they occupy. It is an essential component of sustainable development.*"
78. An Arboricultural Impact Assessment by Longleaf Tree and Woodland Consultancy, dated April 2023, has been submitted. The report outlines that no statutory or non-statutory designations were identified through publicly accessible online tools, on or in proximity to the site. One priority habitat inventory (deciduous woodland) is identified outside the site boundary to the east. In addition, no recorded ancient veteran or notable trees were identified within or in proximity to the site.
79. The report notes that in total, three no. tree groups were identified on-site, all of low quality/category C. It further notes that no removal, or pruning of, trees is required to facilitate the development. It recommends that a site walkover be undertaken prior to commencement of development to confirm that there are no clearance requirements. In conclusion, the report identifies the trees for protection on the Tree Protection Plan. Protection will consist of tree protection fencing and ground protection prior to commencement of works. The Council's Arboricultural Officer has raised no objection to the application subject to the tree protection plan and method statements as provided, which has been attached to this permission.
80. Overall, it is considered that the proposal will not result in the loss of any trees of high amenity value and as such the proposal complies with policy DM25.

Drainage & Flood Risk

81. As the development will not permanently be manned, there is no requirement for foul drainage.
82. 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.
83. The application site is located within Flood Zone 1 which is classified as the lowest level of flood risk from fluvial/tidal sources. The application introduces areas of impermeable surfacing, hence a Surface Water Drainage Assessment by KRS Enviro, dated April 2023, has been submitted that outlines a Sustainable Urban Drainage System (SuDS) to mitigate any potential increase in surface water runoff.
84. The Assessment states that, upon review of the opportunities for runoff destinations, the most likely scenario is discharging into a surface water body. A drainage ditch is located adjacent to the eastern and southern boundaries of the site.
85. It further notes that the proposed SuDS Strategy will take the form of; permeable surfaces – crushed stone, and attenuation storage (with a restricted runoff rate of 5,00l/s before discharge to the nearby watercourse. It is proposed that underground crate storage tanks and oversized drainage networks will be used to provide the required attenuation storage volume (calculated at 94m³). Additional storage would be provided within the manholes, pipes and drainage gullies which will provide betterment over and above the 1 in 100 year (+40) event. It is stated that the adoption of a SuDS Strategy for the site represents “an enhancement from the current conditions as the current surface water runoff from the site is uncontrolled, untreated, unmanaged and unmitigated.”
86. The Assessment notes these options can be “explored further” prior to construction with the agreement of the LPA, LLFA and the sewerage undertakers, and suggests a suitably worded planning condition to secure this agreement.
87. LLFA comment – *“It is important that we see a detailed drainage plan that shows the point of surface water discharge and all the elements of the drainage system including any permeable paved areas and we are*

not able to condition this. Infiltration testing could be conditioned as it is not currently being suggested as the primary discharge location.”

88. The Assessment concludes by stating that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF.
89. Following the comments from the LLFA the applicant has submitted an amended Surface Water Drainage Assessment produced by KRS Enviro which was received by the Local Planning Authority on the 17th January 2024. The report concludes *“This Surface Water Drainage Assessment demonstrates that the Proposed Development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF. The Proposed Development will considerably reduce the flood risk posed to the Site and to off-site locations due to the adoption of a SuDs Strategy. The proposed development should not therefore be precluded on the grounds of flood risk or drainage”*.
90. Following the receipt of the amended Surface Water Drainage Assessment colleagues in the LLFA were consulted and they stated *“Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission”* subject to the imposition of various conditions/informatives, which will be attached to the decision notice, in the event that planning permission is granted.
91. Overall, it considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

CONCLUSION

92. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: No comments received.

Arboricultural Officer: No objection subject to the tree protection plan and method statements as provided, which has been attached to this permission.

Historic Environment Team: No objection. Response outlines that while there are some Listed Buildings within the wider area (Grade II listed Beke Hall, list entry number: 1112672, to the east of the site across the A1245, and the Grade II listed War memorial at Dollyman’s Farm, list entry number: 1453844,

to the west across the A130), the application site “due to distance and lack of visibility/intervening development is not considered to contribute to the significance of the heritage assets. Therefore, the proposed erection of an electrical substation is not considered to result in harm to their significance.”

Environment Agency: Have confirmed no comment to make on the application.

ECC (LLFA): Submitted a holding objection, requesting a full detailed drainage design, to include engineering drawings, as well as infiltration testing and a Maintenance Plan for the drainage network.

Following receipt of amended surface water drainage strategy. The LLFA do not object subject to the imposition of the following conditions the development shall be accrued out in accordance with the FRA, Minimise the risk of offsite flooding, maintenance plan, remove blockages from existing pipes and standard informatives.

Highways: The proposal includes a new internal access track to the substation and the construction phase will utilise an existing and established private access road from the A129. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) Policy GB1, GB2, CP1, T1, T8

Development Management Plan (December 2014) Policy DM1, DM5, DM11, DM25, DM27, DM30

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

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
 - 2792-02-01 (Location Plan), received 02/05/23.
 - 2791-02-03 (General Arrangement), received 02/05/23.
 - 2792-02-06 (Transformer Compound Elevations), received 02/05/23.
 - 2792-02-07 (Fencing Plan), received 02/05/23.
 - 2792-02-02 Rev A (Statutory Plan), received 11/05/23.
 - 2792-02-05 Rev A (Substation Elevations), received 11/05/23.

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

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

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

4. All trees / tree features are to be protected by temporary barriers as per the assessment, plans and method statements supplied by Longleaf Tree and Woodland Consultancy within the document ref RBS 0423, dated April 2023.

REASON: To ensure protection of existing trees on-site.

5. The recommendations for enhancement and safeguarding measures under best practice guidance given in the Ecology Report by Wild Frontier Ecology (WFE), dated April 2023, shall be followed at all times when implementing the development.

REASON: To safeguard legally protected species, and to ensure no biodiversity loss.

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

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

7. Prior to the first operation of the development hereby approved the applicants shall submit to the Local Planning Authority details for the external lighting of the application site. The development shall be implemented in accordance with such details as may be agreed. Scheme of lighting shall be submitted, agreed in writing as implemented as agreed. Lighting will then be maintained in the approved form for the duration of the development.

REASON: In the interests of visual and residential amenity.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
 - Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1l/s.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

9. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils

during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

10. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements shall be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

11. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These shall be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

12. The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

The local Ward Member(s) for the above application is/are Cllr J Newport Cllr C Stanley Cllr J E Cripps

Application No:	24/00017/FUL Zoning : Rayleigh Town Centre, Rayleigh Conservation Area
Case Officer	Mrs Elizabeth Milne
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	Builders Yard And Store 1 Websters Way Rayleigh
Proposal:	First floor side extension to provide a WC for the building. New external staircase will be erected to provide safe access to the first floor. The use of the building will remain as existing, currently providing a workshop, store and ancillary office space.

SITE AND PROPOSAL

1. The site is located on Websters Way to the rear of commercial and retail premises on Rayleigh High Street. The site is approximately 190.5m² in area.
2. The site is located within the designated Rayleigh town centre and conservation area. It lies to the rear of the main town centre shopping frontage and is accessed from Websters Way which provides service access to town centre retail units and public car parking. The site contains a two-storey brick building which is used as a workshop and storage space with an ancillary office. There is an access directly off Websters Way and a separate access road along the side of the site that also gives service access to units in the High street.
3. The building the subject of this proposal is currently used as a store and workshop with ancillary office space and it is intended that the existing use would remain. A side extension is proposed to the first floor which would provide a new entrance and WC. Dark grey zinc cladding is proposed to the extension.
4. The proposed side extension would be sited on the first floor above the flat roof of the existing ground floor structure. It would have a depth of some 4.4m and a width of some 1.93m and would act as an entrance into the existing office space along with a WC. The extension would have a flat roof and a height to match the existing first floor roofline.
5. An external staircase with railings is proposed to provide access to the first floor. It is understood that there was originally an external staircase to the property, however this was removed historically and the application seeks to re-instate this feature.
6. It is noted that this current application follows the recent refusal of application 23/00787/FUL in which the description of the proposal was 'Ground floor to remain as existing use. Small side extension to the first

floor that will act as an entrance to the proposed office space'. The reason for refusal is stated in paragraph 7 below. In summary, the application was recommended for refusal due to concerns relating to the introduction of an independent office use on the site which could result in a conflict of use when considering the existing service, access and parking provision arrangements on site. Following the issuing of this decision and further correspondence with the applicant it has been stated and clarified that the office use on site is existing and ancillary to the existing workshop and store, and therefore this application simply seeks permission for a side extension to the first floor to provide a WC, and a new external staircase. Planning permission is required therefore in respect of the material alterations and building works defined as development by reason of section 55 of the Town and Country Planning Act 1990 as no permitted development right relate to such commercial sites to facilitate the works under the permitted development regime.

RELEVANT PLANNING HISTORY

7. 23/00787/FUL. Ground floor to remain as existing use. Small side extension to the first floor that will act as an entrance to the proposed office space. Refused 13th December 2023 for the following reason:
 1. *The proposal, by way of its lack of parking provision or pedestrian provision to the site and taking into account the existing service nature of the access, would give rise to concerns over pedestrian safety accessing the site on foot. Furthermore, it is considered that the introduction of the office use on the site would introduce a potential conflict of use when considering the existing service, access and parking provision arrangements on site. The proposal in this regard would be considered contrary to Policy T8 of the Rochford District Council Core Strategy, Policy DM30 of the Rochford District Council Development Management Plan and the Essex Parking Standards Design and Good Practice document 2009.*
8. 17/00453/OUT. Outline application for proposed two storey extension to existing building and construction of two storey building to provide 2 x two bedroomed flats. Change use of existing building from storage to one bedroomed detached house. Create parking and amenity area to serve new dwellings. Approved.
9. 14/00603/OUT Extension to existing building and change of use from store to one bedroom detached house. Construction of two storey building to provide 2 x two bedroom flats. Create parking and Amenity area to serve dwellings. Remove Goat willow and Ash trees which are subject to TPO's and replace with approved alternative trees. Approved
10. 14/00147/OUT Outline Application for Proposed Two Storey Extension to Existing Building and Change Use From Storage to One Bedroomed Detached House. Construction of Two Storey Building to Provide 2 x

Two Bedroomed Flats. Create Parking and Amenity Area to Serve New Dwellings. Refused 14th May 2014

MATERIAL PLANNING CONSIDERATIONS

11. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
12. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
13. The site is within the Secondary Shopping Frontage Area, Conservation Area and Rayleigh Town Centre where various local planning policies require consideration alongside the National Planning Policy Framework. Policy RTC 4 will ensure that Rayleigh town centre's role as the District's principal town centre is retained through the implementation of an Area Action Plan. Policy 8 of the Rayleigh Area Action Plan seeks improvements to Websters Way through development which introduces buildings which directly address this key route whilst not undermining the role that it plays in providing car parking and servicing for the central High Street area.
14. The Rayleigh Conservation Area Appraisal and Management Plan identifies Websters Way of failing to acquire any streetscape that could be considered attractive and that it is the most problematic part of the conservation area. It particularly identifies the area around the application site as being a hotch-potch of flat roofed sheds and car parks, lacking any coherent grain or relation to the frontage.
15. The main considerations are whether the development would have an acceptable impact on the conservation area, including making a positive contribution to local character and distinctiveness and whether the design and layout would be acceptable in the street scene.
16. The proposed extension would provide improvements to an existing ancillary office space within Rayleigh Town Centre.
17. In accordance with the NPPF new development should enhance the character and appearance of heritage assets, including conservation areas. The site does not make a positive contribution to the conservation area and new development would provide the opportunity to enhance the appearance of this part of the town centre.
18. The supporting information submitted indicates that it is the aim of the development to follow a traditional Victorian warehouse style albeit

through a minimal change to the existing building. The proposed first floor extension would have sash windows to enhance the style of the development and the proposed zinc cladding to the extension would provide a complimentary modern element to the historic stock brick on the existing building which is replicated throughout the conservation area. However the use of brick as opposed to the cladding is preferred. It is considered that the proposed extension subject to the imposition of conditions controlling aspects of external appearance would be sympathetic to the site and its surroundings.

19. It is considered that the proposal would contribute positively to the appearance of the area by way of design and material finish.

Impact on Character

20. The site is located within the Websters Way character area of the Rayleigh Conservation Area. A heritage statement accompanies the proposal.
21. It is identified in the Historic Buildings and Conservation consultation response that the road was constructed in the 1950s and that this part of the Conservation Area retains some elements of the old backlands layout, however it is an area which is predominantly made up of car parks and service areas for the buildings fronting the High Street.
22. Overall, it is considered that the proposals would be in keeping with the backland character of the area and would be read in conjunction with the existing context and accordingly, would not adversely impact upon the special interest of the conservation area. Were permission to be granted, samples of the proposed external materials would be required to be submitted to the local planning authority in order to ensure the use of high-quality and traditional materials which preserve the character and appearance of the Conservation Area.

Impact on Residential Amenity

23. There are no dwellings in close proximity to the site therefore it is not considered the proposal would be detrimental to residential amenity. The proposal would be in close proximity to commercial units but it is also not considered that the proposed development would be detrimental to the occupiers of any neighbouring commercial units.

Ecology and Trees

24. The proposal would not give rise to any concerns relating to ecology or trees. The bat survey declaration form submitted indicates that there is not likely to be harm to bats or their habitat as a result of the proposed works.
25. There are no trees that would be impacted by way of this proposal.

Parking

26. The applicant has stated that the yard is suitably sized to allow for vehicles to park when necessary on site, and one parking space has been shown on the submitted plans which is sited in the existing yard space. It is understood that the current occupier of the building uses the existing yard area for parking.
27. The use of the building would remain as existing: E(c) (former B1), E(g)iii (former B2) and class B8. The proposal would retain the existing use (workshop 23.1sq m; storage space 17.7sq m; ancillary office space 23.2sq m) The Essex Parking Standards Design and Good Practice document sets out that a maximum of one parking space should be provided for every 30sq m of office space, a maximum of one space for every 30sq m of workshop space and one space for every 150sq m of storage space is recommended. The scheme would therefore require a maximum of three parking spaces if the combined space taking into account the existing and proposed space were treated as all new floor space (which is not the case here) to be compared against the standards. The facts of this case is that the additional floor area is small being 4.4m in depth and 1.93m in width such that this development requiring planning permission would not warrant as a matter of policy or necessity any additional parking space.
28. If this was an issue of which it is not the standards also state that a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.
29. The proposal is for a small side extension and external staircase which would not increase the number of users of the site and therefore it would not be considered reasonable to require additional parking to be provided by way of this application. Furthermore, given the highly sustainable location of the site close to amenities and public transport, a reduced on-site parking provision would be considered acceptable.
30. The proposal would provide a secure parking area for four bicycles at ground floor level and refuse bins would also be stored within the building at ground floor level.

Sustainable Design and BREEAM

31. The application has set out that the proposed development will seek to provide a highly sustainable scheme. The principles set out by the Council's Local Development Framework's Core Strategy Policy ENV10 (BREEAM) require all non-residential developments to meet the BREEAM assessment criteria. Whilst the importance of building environmentally sound developments is acknowledged, the Council would need to be careful in not wanting to make development unviable through the imposition of overly onerous standards. As such, whilst a

BREEAM rating of excellent will be encouraged, a rating of at least 'Very Good' will be required.

CONCLUSION

32. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No objection

Neighbours: None

Historic Buildings and Conservation Advice

The application is for a first-floor side extension to provide a WC for the building. A new external staircase will be erected to provide safe access to the first floor. The use of the building will remain as existing, currently providing a workshop, store, and ancillary office space.

The application building is situated on the northwest side of Websters Way and is located within Rayleigh Conservation Area, forming part of Websters Way Character Zone. Websters Way was constructed in the 1950s to relieve traffic along the High Street and this part of the conservation area predominantly consists of car parks and service areas, however it still retains elements of the old backlands layout.

It is proposed to construct an extension at first floor level to provide a WC, as well as a new external staircase and railings at first floor level. The extension would be constructed in dark grey seamed cladding. Overall, it is considered that the proposals would be in keeping with the backland character of the area and would be read in conjunction with the existing context and accordingly, would not adversely impact upon the special interest of the conservation area. It would be preferable however for the extension to be constructed in brick, to create a less visually prominent addition.

In conclusion, it is considered that the proposals would preserve the character and appearance of Rayleigh Conservation Area. This would be in accordance with Section 16 of the National Planning Policy Framework (NPPF) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Were permission to be granted, I suggest that standard conditions relating to materials and details be imposed, to ensure a good quality of design within the conservation area.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Supplementary Planning Document 6 (Design Guideline for Conservation Areas)

The Essex Design Guide (2018)

Rayleigh Conservation Area Appraisal and Management Plan (2007)

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. Notwithstanding the requirements of condition 3 the development in all other respects shall be undertaken in complete accordance with the following approved plans referenced: 001 (Location Plan), 002 (Existing Block Plan), 201 (Proposed Plans & Elevations), 202 (Proposed Street Scene Plans), and 203 (Staircase Elevation & Floor Plans) dated as held on the council's system as of 15th January 2024 and 24th January 2024.

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. Notwithstanding the submitted details, prior to their first use details of all external facing materials and fenestration (including windows and doors and wall elevation finishes) to be used in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall also include the details including colour, and texture finish of external brick which shall be required on the outer wall elevations of the building. The development shall thereafter be implemented in accordance with the approved details.

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

in compliance with the council's Local Development Framework Development Management Plan policies DM 1 and Supplementary Planning Document 6 (Design Guideline for Conservation Areas).

- 4 The development shall meet BREEAM attainment level of 'Very Good'.

REASON: In the interests of sustainability in compliance with Rochford District Council's Core Strategy policy ENV10.

The local Ward Member(s) for the above application is/are Cllr R C Linden Cllr J Lawmon Cllr A G Cross