



PLANNING APPLICATIONS WEEKLY LIST NO.1704
Week Ending 22nd 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 18th April 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **27th 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.

Index of planning applications: -

- 1. 23/01044/FUL – Tinkersfield Hullbridge Road Rayleigh PAGES 2-14
- 2. 24/00019/FUL - La Vallee Farm Shop Lower Road Hockley
PAGES 14-32

Application No :	23/01044/FUL Zoning: MGB
Case Officer	Mr Thomas Byford
Parish :	Rayleigh Town Council
Ward :	Downhall And Rawreth
Location :	Tinkersfield Hullbridge Road Rayleigh
Proposal :	Demolish existing dwelling and construct new replacement dwelling

SITE AND PROPOSAL

1. The application site “Tinkersfield” is sited to the west side of Hullbridge Road at the junction made with Montefiore’ Avenue and which contains a large bungalow style dwelling and a large outbuilding which is understood to have been used for dog kennels in the past to the southeast on the site. It is unknown when this use ceased although the referred to application below 03/00162/FUL (although not including a change of use in the description) did show plans to remove the kennel runs to the west of the kennels and to change the use of the kennels to garages.
2. The site is allocated Metropolitan Green Belt land.
3. The proposal includes the demolition of the existing dwelling and part of the existing outbuilding on the site, with the construction of a replacement three bedroomed dwelling.
4. The proposed dwelling would be single storey with a footprint of approximately 145.5m². The existing outbuilding would have 90m² of footprint demolished at the rear. Approximately 283.7m² footprint of the outbuilding is proposed to remain.
5. A new front paved area and path are proposed allowing access to the existing hardstanding to the site frontage.
6. The proposed dwelling would be finished with white render, with stone tiled cladding and anthracite windows and door framing.

RELEVANT PLANNING HISTORY

7. Application No. 83/00798/FUL - R/O TINKERSFIELD HULLBRIDGE ROAD RAYLEIGH
RESITE AND REBUILD KENNELS – Permitted.

Application No. 02/00541/FUL - Replacement Dwelling (Existing Dwelling To Be Demolished) – Refused.

Application No. 03/00162/FUL - Erection Of Replacement Bungalow (Demolish Existing Dwelling) – Permitted.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt

10. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.

The Council's Development Management Plan Policy DM21 explains that:

The replacement or rebuild of existing dwellings in the Green Belt will be permitted, taking into consideration:

- (i) the total size of the dwelling should result in no more than a 25% increase in floorspace of the original dwelling;
- (ii) the condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and therefore permission will not be granted for their redevelopment for housing);
- (iii) the visual mass and bulk of the new dwelling should not be significantly larger than that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow it should be replaced by a bungalow; and

- (iv) the proposed siting of the replacement dwelling. A replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact on openness or amenity

Policy DM21 also specifies that planning permission for a replacement or rebuild of an existing dwelling will be conditioned withdrawing further permitted development rights relating to the extension of the dwelling or provision of outbuildings within the curtilage of the dwelling.

11. Policy DM21 of the Development Management Plan and paragraph 149(d) of the NPPF both accept that the replacement of a building within the same use and which is not materially larger than the building it would replace would be appropriate development within the Green Belt. The footprint of existing buildings on the site is approximately 435m². The proposed footprint of buildings on the resultant site with the part demolition of the outbuilding is measured at approximately 411m². In this case, it is considered that the principle of the development is accepted taking into account that the mass of proposed buildings on the site (inclusive of the part demolition of the existing outbuilding) would be less than the existing mass of buildings on the site. The proposal is therefore considered to comply with Policy DM21 in this regard.
12. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement 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 proposals should contribute positively to making places better for people (para.126).
13. The NPPF also advises that planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to

create attractive, welcoming and distinctive places to live, work and visit.

- e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

14. 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).

Design and Impact on Character

15. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
16. Policy DM1 of the Council's Development Management Plan seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
17. The proposed design and materials of the dwelling proposed are of modern appearance, however it would retain a traditional bungalow form. It is considered that the proposed development would not have a significant nor detrimental impact on the site or on the surrounding character and appearance of the area in accordance with policy DM1 of the Development Management Plan and the NPPF.

Impact on Residential Amenity

18. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
19. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
20. The proposed dwelling would feature a variety of apertures on all elevations, however with these being at single storey level only, it is considered these would be no more harmful in terms of outlook compared to the existing dwelling which also comprises ground floor windows. The dwelling is proposed with a maximum height to the hipped roof of approximately 5.3m. At this height and with suitable separation retained to each surrounding boundary, it is considered that the scale and mass of the dwelling is acceptable in design terms.
21. The replacement dwelling would be sited in a similar location and portion of the existing plot as the existing.
22. It is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over-dominate the outlook enjoyed by neighbouring occupiers given the sufficient separation distances maintained between properties and articulation of the rear elevation. The proposal is compliant with policies DM1 and DM3 of the Council's Development Management Plan.

Garden Size

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

24. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwelling house.
25. The Council's Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroomed dwellings where a minimum private garden area of 50 m² would be acceptable. The proposed development would provide a three bedroomed, six person dwelling. The dwelling would have a garden of approximately 1235m².

Sustainability

26. 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.
27. 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.
28. 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.
29. A single storey dwelling which would comprise of three bedrooms accommodating six people would require a minimum Gross Internal Floor Area (GIA) of 95m². Additionally, the dwelling must have a minimum of 2.5m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellings would measure

approximately 196m² with internal storage exceeding the 2.5m² requirement, exceeding the overall minimum requirement.

30. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements.

Drainage

31. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination. A foul drainage form has been submitted with the application indicating that the site will use an existing non-mains foul drainage system in the form of a septic tank. The form indicates that all or part of the discharge would go to a drainage field or soakaway. It also indicates that water is received from the public mains water supply.
32. In this case and due to the nature of the proposal which includes a replacement dwelling – it is considered that the site is capable of disposing of the foul drainage of the site and the method for this would be covered during the application for Building Regulations that would be required for the proposal.

Refuse and Recycling

33. The Council operate a 3-bin refuse and recycling system. The proposed front and rear garden areas would provide sufficient storage space for the three bins.

Impact on Highway Safety

34. 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.
35. 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. Garage spaces should measure 7m x 3m to be considered usable spaces.
36. In accordance with paragraph 115 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.

37. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces per dwelling at the required dimensions as stated in the EPOA parking standard. Properties of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted that a recent update to the NPPF and the introduction of associated design guidance have emphasised the use of soft landscaping ensuring that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition requiring a soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
38. Essex County Council as the local Highway Authority have reviewed the submitted information and have raised no objection to the proposal subject to conditions.
39. Overall, it considered that the proposal, subject to the aforementioned conditions, would comply with the relevant policies contained within the Development Management Plan and the NPPF and as such there is insufficient justification to warrant a refusal on these grounds.

Trees

40. Policy DM25 of the of the Development Management Plan 2014 states that development should seek to conserve existing trees.
41. As noted during the site visit, the application site is mainly laid to level lawn, with various shrubs located around the periphery of the site. In order to however improve the quality of the scheme, it is considered reasonable to attach a condition requiring the submission of a landscaping plan.

On Site Ecology

42. No ecological appraisal has been submitted with the application however the site is maintained domestic garden and it is therefore unlikely to support protected species. The applicant has submitted a bat declaration survey which indicates that the site is not likely to support a habitat for bats.

Off Site Ecology

43. 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.
44. A RAMS fee is not required as this is for a replacement dwelling and therefore there is not an increase of footfall that would have a significant effect on the sensitive interest features of coastal European designated sites.

Flood Risk

45. The dwelling would be sited within Flood Zone 1 which has a low risk of flooding. The site also does not present risk of surface water flooding according to the Environment Agency Flooding Maps.

CONCLUSION

46. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No response received.

Cadent Gas: No objection, informative note required:

What you need to do

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadents easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588.

Essex County Highways Authority:

'A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. This application includes a replacement dwelling. The existing vehicle access will be utilised and adequate room for off-street parking and turning is retained, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative: • Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway. • The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate. • All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. • The applicants should be advised to contact the

Development Management Team by email at
development.management@essexhighways.org'

Neighbour Representations:

There have been no objections from neighbouring sites.

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

RECOMMENDATION: Approve subject to the following 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: 4064-12-1 (November 2023), 4064-12-2 (November 2023), 4064-12-3 (November 2023), 4064-12-4 (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 external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

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

4. Prior to occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections (including level-thresholds) if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

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

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

6. Prior to first occupation of the development, the dwelling shall be provided with two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

7. Prior to first occupation of the new dwelling hereby approved, the outbuilding on the site (formerly used for dog kennels) shall be part demolished as shown on plan 4064-12-4 (dated 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 and to ensure compliance with Policy DM21 of the Development Management Plan taking into account the increase in footprint of the proposed dwelling compared to the existing.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A, Class B, C and E, of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no alterations, extensions, windows or dormers shall be inserted, altered, or otherwise erected to the dwelling, nor shall any outbuildings be erected within the curtilage of the site hereby permitted without the written approval of the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over alterations to the dwelling in the interests of retaining the openness of the Metropolitan Green Belt.

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

Application No:	24/00019/FUL Zoning: MGB
Case Officer	Mr Thomas Byford
Parish:	Hockley Parish Council
Ward:	Hockley
Location:	La Vallee Farm Shop Lower Road Hockley
Proposal:	The erection of one self-build dwelling in lieu of the prior approval for the conversion of a former farm shop into one dwelling (reference: 22/00257/DPDP3J).

SITE AND PROPOSAL

1. La Vallee Farm Shop is sited towards the western end of Lower Road, with the building subject of this application sited just west of Wadham Park Avenue.
2. The application site comprises a modest single storey building, bearing a pitched roof and traditional gables elevations. The site is understood to have front and rear access one from Lower Road and the other off Wadham Park Avenue. The areas surrounding the building within the application site are mostly hard surfaced, with much of the soft

landscaped and undeveloped areas sited outside of the application site which is depicted by the red line boundary shown on the submitted Site Location Plan. It is noted that the extent of the red line supporting this current application is greater in extent than that shown on the 22/00257/DPDP3J application which was subject of a decision on 6th of June 2022.

3. It is understood that the farm shop is now closed, although the business continues to operate via an online delivery service.
4. This application seeks planning consent for one self-built dwelling with an inferred change of use of the land from the existing Class E use to a dwellinghouse (Class C3 use).
5. The existing building on the site would be demolished and replaced with a gable ended chalet style dwelling, with three pitched roof dormers set into the front roof slope, a sloping front porch element and a lean to roofed rear element. Although the submitted drawing reference WLF-201 Rev B has an annotation stating above the proposed elevation plans (DO NOT SCALE and IF IN DOUBT ASK) but with a further annotation below the elevation plans stating (Elevations as proposed 1:100) when measured to that scale the elevations plans do not tally with the annotation provided on the plan which states that the height of the roof ridge will be 6.7 m from the Damp Proof Course (DPC). This height by comparison with the drawing supporting the conversion of the shop to a dwelling under the 22/00257/DPDP3J application (which showed the existing height at approximately 4.55m is over 2 m higher than the existing building proposed to be demolished.

RELEVANT PLANNING HISTORY

6. The application site was recently granted permission for a scheme to change the use of the site from commercial, business and service (Use Class E) to a dwellinghouse (Use Class C3). In this case this was for the conversion of the shop into a dwelling under the prior approval scheme. The reference of this application is given below. It is noted at this point that this permission is not identical to that submitted here, and although an approved scheme which could be implemented, is not a fall-back position of identical scale.

22/00257/DPDP3J - Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3) - conversion of shop into dwelling – Prior Approval Not Required.

It is noted that land within the blue line boundary has significant planning history, although not of relevance, taking into account the scope of this application.

Submitted Plans

It is noted that no existing plans were submitted with the application. The local planning authority however had on record recent existing plans which were submitted through the 22/00257/DPDP3J application. These were added to the case file, and it was not considered that a statutory reconsultation was required, taking into account these are existing plans and not proposed plans.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt

9. Section 13 of the NPPF (2023) explains that states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of circumstances including extensions to existing buildings that are not disproportionate. Development that does not fall to be considered under one of these categories will be considered inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. Paragraph 154 of the NPPF stipulates 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 agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in

disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), 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.

11. Whether the proposal would meet any of the exceptions above has been carefully considered by the local planning authority. Only parts (e) and (g) require consideration in relation to the current proposal.

Exception under part (e); limited infilling in a village

12. The NPPF does not provide a definition of what constitutes being in a village or what constitutes limited infilling. It is therefore a matter of judgement taking into account various factors.
13. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Proposals Map. A village boundary defined in a Local Plan is a relevant consideration, but not necessarily determinative, particularly if it does not accord with an assessment of the extent of the village on the ground. The Council's Core Strategy sets out a settlement hierarchy with the largest settlements being Tier 1 consisting of Rayleigh, Hockley and Rochford.
14. Policy RTC6 considers an Area Action Plan for Hockley Town Centre. In this Hockley is identified as being a town not a village in terms of hierarchy.

The Rochford Council Core Strategy states the below:

2.67 - Within the District there are four tiers of settlement. The first tier comprises Rayleigh, Rochford and Hockley. These are all settlements with a range of services and facilities as well as some access to public transport.

2.68 - Of the first-tier settlements, Rayleigh has the best access to services within the District. Rochford and Hockley contain local town centres catering for local need. Management Horizons Europe's (MHE) UK Shopping Index (2008) ranks the top 7,000 retail venues within the UK (including town centres, stand-alone malls, retail warehouse parks and factory outlets) based on current retail provision. This index ranks

Rayleigh as a minor district centre, Rochford as a local centre, and Hockley as a minor local.

15. Some settlements in the district are too large to be reasonably considered a village. The distance of an application site from the nearest village/urban centre is a consideration as is the character of the area immediately surrounding the site. Consideration must be given to whether the site is more closely related to and part of an area between and separating settlements or clearly part of a village. There is often an abrupt change in character and appearance beyond urban areas where sites would not be considered to form part of an existing village. Some villages may have significant linear form, but some areas could be significantly more rural in character and as such may not be considered as part of a village. Instances of small clusters of buildings strung out along a rural road in a sporadic pattern with areas of countryside in between would not likely represent a village; the instance of pavements, facilities and services to the 'village' are all relevant considerations; instances of small clusters of rural buildings separated from larger settlements by areas of countryside are unlikely to be considered part of the village. Whilst generally outlying dwellings would unlikely be considered to form part of a main village, each case should be considered on its own merits.
16. In respect of exception (e) it is considered that the proposal would not represent limited infilling in a village. Even if Hockley were to be considered a village, which it is not as is discussed below, the application site is not sufficiently connected to this settlement to be able to be considered to form part of it.
17. It is concluded that the application site could not be considered to be part of a village and therefore the proposal cannot be considered under exception (e) of the NPPF.

Exception under part (g); limited infilling or the partial or complete redevelopment of previously developed land (PDL)

18. In respect of exception (g), this exception requires the development proposed to have no greater impact in Green Belt terms than the development it replaces. Clearly this criteria and requirement would not be met in this instance due to the greater height and physical massing of the dwelling proposed as compared to the existing building which would not be changed in its height or massing if the permitted development route to achieving a dwelling were to be lawfully progressed. The proposal would have a significant impact on the openness of the Green Belt. In terms of footprint, the dwelling which could be implemented as part of the fall-back prior approval consent has a footprint of approximately 58.67m² whereas the proposed dwelling would have a footprint of approximately 75m².

19. The new dwelling does include an additional floor, with rooms in the roof and through the use of front pitched roofed dormers. The existing building has a floor area of approximately 58m², with the proposed having a floor area of 107m², part of which is incorporated into the second floor.
20. The proposed dwelling has a higher roof ridge height which is proposed at an increase of approximately 2.1m compared to what could be achieved under the fall-back consent. This is considered significant. The sole purpose of the ridge height increase is to accommodate the bedrooms in the roof facilitated in part by dormer features to provide the head height in that part of the roof slope which is otherwise limited. It is again noted that the dwelling proposed is a two-bedroom dwelling, whereas the fall-back dwelling is a one bedroom dwelling, the significance of this in Green Belt terms in the increased height and massing with consequential greater residual impacts upon Green Belt openness as a result.
21. The proposed dwelling provided shows a chalet style property compared to the existing structure which would be a bungalow bearing lower eaves height and a much lower ridge height. The proposed dwelling would be of substantial volume and although replacing an existing built structure, is considered significantly larger taking into account local policy (specifically Policy DM21 which has been outlined in detail in a later section of this report. It therefore follows that the proposal could not be regarded as falling under exception (g) as this exception requires that the development would not have a greater impact on the openness of the Green Belt than the existing development.
22. It is therefore considered that the proposal could not be considered appropriate development in the Green Belt as a result of falling within exceptions (e) or (g). The proposal would therefore amount to inappropriate development in the Green Belt which would be harmful by definition. Further harm would also result from the significant impact on openness that would arise. No very special circumstances have been set out in the submitted statement and it is therefore considered that in the absence of very special circumstances which would clearly outweigh the harm to the Green Belt the proposal would be considered contrary to national and local Green Belt policy.

Fall-Back Position Consideration (22/00257/DPDP3J)

23. With the proposal seeking to erect a new dwelling on the site, it is not considered to meet any of the above exceptions, however it is noted that the principle of a dwelling on the site has been accepted through the applicant's considered fallback position (22/00257/DPDP3J) albeit this does not cover a new dwelling with an additional storey, porch or rear extension element. It is also relevant to mention that the dwelling proposed is a two-bedroom dwelling whereas that approved under the

above prior approval application was a one-bedroom dwelling. This position therefore does not include a proposal of the same scale or mass and is not entirely comparable. Therefore, for a fall-back position to be plausible in planning policy and case law terms the development now proposed must either have a lesser or equal and certainly no greater impact than that which could be progressed under the permitted development route. No fall-back position exists if what is now proposed is greater in impacts terms (in this case Green Belt impacts) than that which would result from the lawful implementation of the (22/00257/DPDP3J) approval. The applicant's case is considered fundamentally flawed in this regard as any reference to case law must be relevant which it is not in this case.

24. Although it is considered the proposal conflicts with Paragraph 154 of the NPPF it is important to look at local policy, with a dwelling on the site achievable through the approved application (22/00257/DPDP3J).
25. The potential implementation of this fall back has been carefully considered by the local planning authority, taking into account the site constraints in terms of its amenity area and whether the proposal would meet criteria to be considered lawful under permitted development rights. In this case, and if implemented, permitted development rights would not allow an additional storey to be constructed to the fall-back dwelling.
26. Under Class AA to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended), AA.1 states that development is not permitted by Class AA if: permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use).
27. With the fall- back dwelling relying on a change of use under Class MA, the resultant dwelling from this consent would not have permitted development rights to carry out such extensions to add an additional storey. The statutes relevant to the consideration of permitted development and the fallback position do not allow any material operations to extend and limits works to what is reasonably necessary such as insertion of windows and internal works the latter of which do not fall under the definition of development as cited by Section 55 of The Town and Country Planning Act 1990. The existing ridgeline height of the fall-back dwelling is low in height and therefore is not considered to be able to accommodate additional rooms in the roof due to the restricted headroom. In this case, it is therefore considered that although the principle of a dwelling may have been established with this fall back, with the applicant seeking a two-bedroom dwelling on the site, the proposal is not considered comparable to the fall-back dwelling which is only able to accommodate a single bedroom.

28. The Local Planning Authority have considered this fall-back position, taking into account the Case Law explained in 5.3 and 5.4 as stated in the applicants planning statement. The statement states that case law at the High Court have accepted submission that there were three elements to the fall-back test. Firstly, whether there is a lawful ability to undertake such a use. Secondly, whether there is a likelihood or real prospect of such occurring and thirdly that a comparison must be made between the proposed development and the fall-back use. In this case, it is considered the proposal fails test two and three. It is considered that taking into account the existing building, the fall-back dwelling would be a one-bedroom dwelling whereas the proposed dwelling is different in its typing, internal layout and scale and mass. The proposed dwelling is considered to be significantly larger as explained above and below and with this having an additional bedroom, is not comparable both in scale and useability to the fall-back dwelling which could be implemented under the permitted development route.

29. It is clear that the aim on the site is to achieve a significantly larger dwelling and therefore it is questioned as to whether the fall-back consent would be implemented on a scale that would only allow one bedroom.

30. In light of this, and even though the proposal is considered to conflict with the NPPF, an assessment of the proposal against Local Policy has also been undertaken below.

31. Policy DM21, titled 'The Replacement or Rebuild of Existing Dwellings in the Green Belt' states that the replacement or rebuild of existing dwellings in the Green Belt will be permitted taking into consideration the below points. An assessment to each point has been carried out below, with a comparison between the existing / fall back dwelling (under 22/00257/DPDP3J) and the proposed being necessary to determine the acceptability of the proposed scheme. This comparison is made recognising that the current building is not a dwelling yet as the development has not been implemented however this comparison is useful.

- (i) The total size of the dwelling should result in no more than 25% increase in floorspace of the original dwelling.

In terms of footprint, the existing building has a footprint of approximately 58.67m² whereas the proposed dwelling would have a footprint of approximately 75m².

The new dwelling does include an additional floor, with rooms in the roof and through the use of front pitched roofed dormers. The existing building has a floor area of approximately 58m², with the proposed having a floor area of 107m², part of which is incorporated into the second floor. In relation to part (i) of this policy, 25% of the existing floorspace would be 72.5m². The

new dwelling would therefore result in a significantly greater floorspace increase than 25% floorspace of the original dwelling (in this case we are comparing to the original building).

- (ii) The condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and therefore permission will not be granted for their redevelopment for housing)

It is noted that this assessment relies on a hypothetical assessment made by the local planning authority as to whether the existing building were to become a dwellinghouse by virtue of the change of use under the approved 22/00257/DPDP3J The change of use itself would render the dwelling useable and not abandoned and therefore the proposal would not conflict with part (ii).

- (iii) The visual mass and bulk of the new dwelling should not be significantly larger than that of the existing dwelling, (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow, it should be replaced by a bungalow.

The proposed dwelling would be significantly larger than the existing building. Not only is the floorspace proposed greater than the 25% stated in part (i) of the above, albeit much of this contained within the roof space, the increased ridge height of the roof which is proposed at an increase of approximately 2.1m is considered significant. The sole purpose of the ridge height increase is to accommodate the bedrooms in the roof and through the use of dormers. It is again noted that the dwelling proposed is a two-bedroom dwelling, whereas the fall-back dwelling is a one-bedroom dwelling. The existing building and resultant dwelling were the fall-back change of use to be implemented would be a bungalow of traditional design. The design of this building is not so poor as to justify a new dwelling of the proposed scale. No justification on these grounds has been submitted as part of the application or within the submitted planning statement. It is also considered that the existing building is comparable with a low eaves to a bungalow, whereas the proposed dwelling is a chalet with a higher eaves height with two floors.

Therefore, there is not acceptable comparison, and the proposed dwelling is considered significantly larger than the existing.

- (iv) The proposed siting of the replacement dwelling. A replacement dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact on openness of amenity.

Although the siting of the building is proposed to be altered, with the proposed sited just west of where it currently exists, it is not considered that the re-siting would be any less appropriate in Green Belt terms and would not on its own impact openness.

- 32. Overall, it is considered that the proposal conflicts with Section 13, with the proposal not meeting any of the exceptions set out in Paragraph 154. The proposal also fails to comply with both (i) and (iii) of Policy DM21 regarding the replacement or rebuild of existing dwellings in the Green Belt, taking into account the fall-back position of application reference 22/00257/DPDP3J.

Impact on Character

- 33. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the street scene by reason of scale, height, proportions or materials used.
- 34. Guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design” (para 139). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. Furthermore, this point is expanded in the Council’s Policy DM1 of the Development Management Plan (2014), which states that “Design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative”. Both policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
- 35. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 – Housing Design, as well as to the Essex Design Guide.

36. The Essex Design Guide explains that dormers should be incidental and not dominant the roof space. SPD2 (Supplementary Planning Document 2 – Housing Design) supports this by adding that proposals involving rooms in the roof should respect the scale, form and character of the existing or proposed dwelling and that dormers should maintain substantial roof verge to the side, above and below. The document explains further that dormers should be used to light the roof space rather than to add headroom over any great width and that dormers above the ridgeline or beyond the roof/hip will be refused. The guidance also states that front dormers should feature pitched roofs.
37. The proposed dwelling features a gable ended roof with subservient dormers set into the front roof space, along with a sloping porch and lean to sloping rear element to the rear elevation.
38. The dwelling is considered to be well designed in terms of its built form with acceptable materials proposed. The dormers set into the front roof slope are also considered to meet the guidance outlined in SPD2.
39. The new dwelling would be clearly visible from the public vantage point of Lower Road, however the proposal overall, it is considered to comply with Policy DM1 in terms of its external design and the guidance advocated within the SPD and NPPF.

Impact on Residential Amenity

40. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
41. The application site has few immediate neighbours. Appledore is a dwelling sited across Wadham Park Avenue to the west with La Vallee being closer and sited to the east. La Vallee is a detached dwelling with an adjacent garage, accessed from Wadham Park Avenue.
42. SPD2 guidance explains that in order to prevent excessive overshadowing of neighbouring properties development at first floor level developments should not form a horizontal angle greater than 45° with the nearest habitable room window of any adjacent property. Due to the orientation of the proposed dwelling, the proposal is not considered to conflict with this guidance.
43. The proposed dwelling would feature, front elevation fenestration at both ground level and front the front dormers, along with rear fenestration at ground level only. The rear roof slope does comprise some rear rooflights that may however provide some outlook. The

proposal also includes two side elevation windows at first floor level, one of which serves the study and another that serves bedroom two. These side elevation windows look to the west across Wadham Park Avenue towards Appledore. In terms of overlooking, the front elevation windows would be of public outlook and would look onto the parking area and onto the highway. This is of public realm and therefore it is not considered this would lead to any detrimental overlooking. The first-floor side elevation windows would have an outlook onto Appledore, however at a distance of some 43m. In this case, this distance is considered acceptable to negate any harmful overlooking that could occur from these windows.

44. The Essex Design Guide advises that where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. Although this is highlighted in terms of a rear-to-rear relationship, it is considered this is mentioned as it is a common relationship. It is considered the principles of this assessment are a useable guideline to use this measurement of 25m to compare to a front to rear relationship.
45. Although the first floor rooflights proposed may provide a level of outlook to La Vallee, with this not being a traditional rear to rear relationship, and without a direct line of sight, the acute angle from the rooflights to the front elevation windows of La Vallee assists in mitigating significant harmful overlooking. Although the distance is considered to be just short of the 25m guidance as stated above, due to the plot locations, the outlook is considered acceptable and the view at first floor is not considered to cause significant overlooking to adjacent neighbours.
46. The proposal does include ground floor fenestration; however it is considered that with suitable boundary treatments which would be conditioned to ensure not only a suitable level of soft landscaping with any approval but also provide privacy for the immediate and future occupiers and neighbours, any unreasonable overlooking from ground floor windows would be mitigated.
47. The proposal is considered to comply with the guidance in relation to overlooking in the Essex Design Guide.

Five Year Housing Supply

48. The planning statement submitted by the applicant states in 4.6 that the Council cannot currently prove a five-year housing supply and therefore the application is proposed in relation to sustainable development.
49. The Council can demonstrate a five year supply of deliverable housing sites, but this is a minimum target, and 'windfall' sites make a recognisable contribution towards supply. The latest published

household data for the Council indicates that the greatest demand is for 3-bedroom properties.

50. It is noted that any appeals that may refer to the Council not demonstrating a five-year housing supply only refer to published and available data.
51. The council does not agree with a judgement from any appeals on such grounds and the Council has evidence that a 5.15 year housing supply can be met and is reflected in the latest trajectory and 5 year housing land supply statement.

Garden sizes

52. The Framework requires the provision 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. Supplementary Planning Document 2 (Housing Design) requires the provision of a minimum useable private garden area for new dwellings of 100m² with the exception of one and two bedroom dwellings which can provide a minimum garden area of 50m².
53. The proposal is for a 2-bed dwelling. The amenity area would be some 150m² therefore satisfying the garden area requirements set out in the SPD2.

Sustainability

54. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
55. 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.
56. 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.

57. The proposed dwelling is shown by the applicant as a 2 bedroom house on the submitted plans. Bedroom two fails to comprise of the necessary floor space to provide two bedspaces and therefore this is a single bedroom. The dwelling is considered to be a two bedroom, three person dwelling with two storeys. To ensure that the development would be sustainable for all future occupiers, the scale of the scheme would require a minimum Gross Internal Area of 70m² with 2.0m² of built-in storage. The scheme complies with the minimum standards above for a two bedroom, three person dwelling in relation to the Gross Internal Area required, however the submitted plans do not show 2.0m² of internal storage. It is however considered in this case that the dwelling can accommodate the required storage as specified above.

Impact upon Highway Safety

58. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Policy DM30 has adopted the EPOA parking standards. Quality urban design dictates that care should be taken that the parking layout does not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.

59. The existing site has a suitable area of hardstanding to the frontage which would allow the parking of two cars meeting the 5.5m x 2.9m standards.

60. The proposal will utilise an existing access from Lower Road and turning is included within the curtilage.

The proposal therefore is considered to comply with Policies DM1 and DM30 in this regard and the proposal would not be of detriment to highway safety.

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

61. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

62. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

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

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

65. The applicant has paid the required financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

Ecology

66. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
67. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England.
68. A bat declaration form has been submitted that indicates that it is unlikely that the proposal would harm bats or their habitats.

Trees.

69. Policy DM25 (Trees and Woodlands) of the of the Council's Development Management Plan indicates that development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features. There are no significant trees or trees subject to Tree Protection Orders on or close to the site that would be adversely affected by the proposal.
70. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

Refuse and Waste

71. 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).

72. It is considered that the site is large enough to accommodate the storage of refuse bins and this would not be of detriment to the street scene or character.

Flood Risk

73. The site is located within Flood Zone 1 with low risk of flooding and is indicated on the Environment Agency Flood Maps that the site does not present a risk for surface water flooding.

Historical uses and Potential contamination and health risks

74. The National Planning Policy Framework at paragraph 190 (Ground Conditions and Pollution) indicates that where a site is affected by contamination or land stability issues, responsibility for securing a safe environment rests with the developer and/or the landowner. Paragraph 191 indicates that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Any potential adverse impacts arising from a development should be mitigated. Given the historic use of the site ground contamination is a particularly relevant matter for consideration.
75. The legislative framework for the regulation of contaminated land is embodied in Part IIA of the Environmental Protection Act 1990, implemented in the Contaminated Land (England) Regulations 2000. This legislation allows for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment. The approach adopted by UK contaminated land policy is that of “suitability for use” which implies that the land should be suitable for its current use and made suitable for any proposed future use.
76. The site is not understood to have any contamination issues that would impact the development.

Foul drainage

77. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination. The submitted statement specifies that the site will use a Klargestor BioDisc Domestic Sewage Treatment Plant. This is understood to be proposed as the site does not have a connection to the sewage mains at present.
78. In this case and due to the nature of the proposal which includes a new dwelling – it is considered that the site is capable of disposing the foul drainage the site and the method for this would be covered during the

application for Building Regulations that would be required for the proposal.

CONCLUSION

79. REFUSE

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: No comments received.

Neighbours: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – Policy RTC6, CP1, H6, ENV9

Development Management Plan (December 2014) – Policies DM1, DM4, DM21, DM25, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The Council's Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt where planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm by definition of inappropriateness and any other harm identified. The proposed development would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The application and the site is not considered to meet any of the exceptions set out in Paragraph 154 of the Framework. In addition, the development is considered to have an adverse visual impact upon the openness and character of the Green Belt given its resultant scale, mass and height thereby constituting the other harm identified at paragraph 153 of the Framework. No very special circumstances exist such as to be capable of being attributed any weight to outweigh the harm identified as the applicant's fallback position is fundamentally flawed. The proposal

would therefore conflict with Green Belt policy contained within Section 13 of the National Planning Policy Framework.

2. The proposal would result in dwelling with an increase in floorspace greater than 25% of the dwelling which could be achieved under the fall-back consent, conflicting with part (i) of Policy DM21 of the Rochford Council Development Management Plan.

The local Ward Member(s) for the above application are Cllr A H Eves
Cllr J R F Mason Cllr Mrs E P Gadsdon