



**PLANNING APPLICATIONS WEEKLY LIST NO.1752**  
**Week Ending 11th April 2025**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 24 April 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **16th April 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

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Application No :	24/00664/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	3 Hooley Drive, Rayleigh, Essex.
Proposal :	Demolish existing dwelling and garage and construct 1No. self-build replacement dwelling and new detached garage.

## **SITE AND PROPOSAL**

1. The red lined application site is a rectangular area with a frontage along Hooley Drive to the south. The site is occupied by two dwellings, Nos. 3 and 4 Hooley Drive sited approximately centrally within the site and very close to one another. Both dwellings are under the same ownership and the applicant/owner resides within No. 4 whilst No. 3 goes unoccupied. These dwellings had once been a semi-detached pair but No. 4 has subsequently been re-built detached under a planning consent granted in 2010 of which, the consent has removed permitted development rights for extensions to that property. The site has separate accesses to both No. 3 and No. 4 and a 1m high fence separates the front curtilage. The land is open within the site and shared between both dwellings. There is a substantial pond to the rear of the dwellings beyond which there are a number of outbuildings extending up to the rear boundary of the site. There is an existing dual-pitched roofed garage sited towards the south-western corner of the site, it is in poor condition and would not suffice as a use for a garage in its existing state. The outbuilding to the western rear of the site serves a purpose of a triple garage and a swimming pool.
2. To the north, the site is bordered by land containing a large pond. To the east and south the site is bordered by land containing ad hoc existing buildings. To the west, the site borders an undeveloped field. The application site lies adjacent to public bridleway No. 69 (Rochford).
3. The proposal is to sever the land erect a 1No. detached 3No. bed bungalow and garage, involving the demolition of the existing dwelling and garage.

## **RELEVANT PLANNING HISTORY**

4. Application No. 84/894/BR – rear extension – approved.
5. Application No. 92/00575/FUL – single storey detached building to incorporate one double and two single garages – refused 23/11/92.

6. Application No. 07/00407FUL – demolish existing dwelling and construct one detached three bedroomed bungalow – returned 18/10/07.
7. Application No. 08/00871/FUL – demolish existing semi-detached bungalow and construct three bedroomed bungalow – refused 28/04/09  
Reason for refusal:

*“The proposal by way of the relocation of the dwelling much further forward within its plot is considered to result in a substantial change in the appearance and character of the plot whilst also affecting the character of this part of the Metropolitan Green Belt. Furthermore, the relocation of the dwelling is considered to impact detrimentally and unreasonably upon the amenities that the occupiers of No. 4 Hooley Drive ought reasonable expect to enjoy”.*

8. Application No. 09/00463/LDC – proposed single storey side and rear extensions – permitted 01/10/09.
9. Application No. 10/00002/FUL – demolish existing semi - detached bungalow and construct three bedroomed bungalow – refused 26/02/10  
Reason for refusal:

*“The proposal by way of the increased floorspace of the building proposed in comparison with the existing bungalow is considered excessive, rather than reasonable, resulting in a substantial change in the appearance and character of the building harmful upon the visual amenity and openness afforded to the green belt. Furthermore, the repositioning of the dwelling as now proposed much further forward within its plot considered separately and together with that proposed at no. 4 Hooley Drive. Will result in a substantial change in the appearance and character of the plot whilst also adversely affecting the green belt”.*

10. Application No. 12/00449/FUL – demolish existing dwelling and construct one detached three bedroomed bungalow with attached garage – refused 28/11/12 Reason for refusal:

*“The proposal by way of the increased floorspace of the bungalow proposed in comparison with the existing bungalow or that which could lawfully exist is considered excessive, rather than reasonable, resulting in a substantial change in the appearance and character of the building harmful upon the visual amenity and openness afforded to the Green Belt. Furthermore, the proposed bungalow by way of the increase height and bulk with a substantial gabled roof form including continuation over the attached garage in comparison to the existing bungalow, would be of a size and mass detracting from the organic form of existing plotland development and would further provide the potential for future conversion of the roof space for habitable purposes*

*further undermining local policy and proving detrimental to the open character of that part of the Green Belt in which the site is situated”.*

11. Application No. 19/01139/FUL – provision of detached outbuilding for use incidental to dwelling house 3 Hooley Drive – refused 05/03/20.

12. Application No. 20/00081/FUL – demolish existing dwelling and construct three bedroom bungalow and attached garage – refused 08/04/20 Reason for refusal:

*“The replacement dwelling would have a material increase greater than 25% of the original dwelling. The proposal would result in an enlargement of 160% from the original dwelling and 20% larger than the existing dwelling. As such, the replacement dwelling would have a significant increase on the visual mass and bulk, resulting in a dwelling materially larger than that existing. A very special circumstance was presented to the local planning authority in the way of permitted development fallback, but it is not considered that the fall back position is likely and that the proposal would result in further harm over and above that provided by the back development. On balance, the replacement dwelling would reduce the openness of the green belt and thus would be inappropriate development and would lie contrary to parts (i) and (iii) of policy DM21 of the Council’s Development Management Plan and Section 13 of the NPPF”.*

13. The applicant Appealed against the above decision (APP/B1550/W/20/3254794) which was subsequently dismissed on the 10<sup>th</sup> August 2021. The Inspector concluded *“that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area”.*

14. Application No. 20/00375/FUL - Proposed demolition of existing bungalow and replacement with new 3 bedroom bungalow and detached garage. Create new vehicular access and layout construct driveway – Refused - 04.06.2020. Reason for refusal:

*“The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt and the proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. 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 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, it clearly outweighed by other considerations.*

*The replacement dwelling would have a material increase greater than 25% of the original dwelling. The proposal would result in an enlargement of 162%. As such, the replacement dwelling given the mass and bulk of the dwelling would appear visually and spatially larger than the existing dwelling; resulting in a dwelling materially larger than that existing. A very special circumstance was presented to the local planning authority in the way of permitted development fallback, but on this occasion, it was not considered that the proposal would outweigh this harm. On balance, the replacement dwelling would reduce the openness of the green belt and thus would be inappropriate development and would lie contrary to part (i) and (iii) of policy DM21 of the Development Management Plan and Section 13 of the NPPF”.*

15. Application No. 23/00403/FUL - Sever land and erect a detached, 4-bed bungalow with associated access and parking, involving demolition of existing dwelling and garage – Refused - 24.10.2023. Reason for refusal:

*“The Rochford District Council Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt and the proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. 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 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, it clearly outweighed by other considerations.*

*The replacement dwelling would have a material increase greater than 25% of the original dwelling. As such, the replacement dwelling would have a significant increase in the visual mass and bulk, resulting in a dwelling materially larger than that existing and inappropriate. Very special circumstances were presented to the local planning authority in the way of permitted development fallback and demolition of a detached garage, but it is not considered that the fall back position is likely and even taking into the demolition of the garage (not usually considered as part of habitable floorspace) the proposal would result in further harm over and above that provided by the fall back positions. On balance, the replacement dwelling would reduce the openness of the green belt and thus would be inappropriate development and would lie contrary to parts (i) and (iii) of policy DM21 of the Council's Development Management Plan and Section 13 of the National Planning Policy Framework”.*



16. Application No. 23/00943/FUL - Demolition of existing bungalow and replacement with new 3 bedroom bungalow – Refused - 11.01.2024.  
Reasons for refusal:

1. *“The site is located within the Metropolitan Green Belt as defined by the council’s adopted Allocations Plan (2014) where strict controls apply to development proposals which shall only be granted planning permission in a limited number of circumstances as set out within paragraph 153, 154 and 155 of the National Planning Policy Framework (December 2023) or in circumstances where despite an identified harm to the Green Belt by reason of inappropriateness or any other harm very special circumstances prevail sufficient to be capable of being attributed material weighting to outweigh this significant harm. The proposed development is considered to constitute inappropriate development by definition as the replacement dwelling will be materially larger than the existing dwelling and will constitute a further harm to Green Belt openness by the very reason of its presence thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023).*

*It is not considered in this instance that the matters progressed by the applicant as very special circumstances amount to or constitute very special circumstances including the applicant’s permitted development fall back position which is fundamentally flawed. There are considered to be no very special circumstances in this instance sufficient to be capable of being attributed material weighting to outweigh this significant harm by reason of inappropriateness and the other harm identified thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023)”.*

2. *“The proposed development would comprise a gross internal floorspace area greater than 25% of the gross internal floor space of the original dwellinghouse which is the limit specified by the council’s Development Management Plan policy DM21 - resulting in a disproportionate increase by comparison with the original dwelling with resultant harm to Green Belt openness thereby conflicting with Policy DM 21 of the council’s adopted Development Management Plan (adopted 16th December 2014)”.*

## **MATERIAL PLANNING CONSIDERATIONS**

17. 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.

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

#### Background Information

19. As previously stated, the most recent application (23/00943/FUL) was refused for the following reasons: -

1. *“The site is located within the Metropolitan Green Belt as defined by the council’s adopted Allocations Plan (2014) where strict controls apply to development proposals which shall only be granted planning permission in a limited number of circumstances as set out within paragraph 153, 154 and 155 of the National Planning Policy Framework (December 2023) or in circumstances where despite an identified harm to the Green Belt by reason of inappropriateness or any other harm very special circumstances prevail sufficient to be capable of being attributed material weighting to outweigh this significant harm. The proposed development is considered to constitute inappropriate development by definition as the replacement dwelling will be materially larger than the existing dwelling and will constitute a further harm to Green Belt openness by the very reason of its presence thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023).*

*It is not considered in this instance that the matters progressed by the applicant as very special circumstances amount to or constitute very special circumstances including the applicant’s permitted development fall back position which is fundamentally flawed. There are considered to be no very special circumstances in this instance sufficient to be capable of being attributed material weighting to outweigh this significant harm by reason of inappropriateness and the other harm identified thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023)”.*

2. *“The proposed development would comprise a gross internal floorspace area greater than 25% of the gross internal floor space of the original dwellinghouse which is the limit specified by the councils Development Management Plan policy DM21 - resulting in a disproportionate increase by comparison with the original dwelling with resultant harm to Green Belt openness thereby conflicting with Policy DM 21 of the councils adopted Development Management Plan (adopted 16th December 2014)”.*
20. To address the reason for refusal the applicant has submitted a more robust planning statement, which they consider amount to very special circumstances, these are addressed in the report below.

## Principle of Development

21. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
22. 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.

## Housing Land Supply

23. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
24. In light of the above, an important material planning consideration is exception b. of para. 155 which states that development within the Green Belt for homes, commercial and other development within the Green Belt should not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed. Para. 155 explicitly states that: -



*“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:”. Of particular relevance to this application is exception b. of the framework which states that “There is a demonstrable unmet need for the type of development proposed”. In the footnote this is expanded upon “Which, in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years”.*

25. The proposal posits the replacement of the existing dwelling on the site with 1 No. detached bungalow, which the agent claims to be more energy efficient and sustainable. According to the recent Annual Monitoring Review for Rochford District Council states that the Authority has a 5-year housing land supply of 4.53 years. Nevertheless, in the opinion of the case officer there will be NO NET increase in the number of dwelling(s) as the proposal seeks a like for like replacement, and as such if the proposal was permitted it would not contribute to the existing shortfall. Consequently, the proposal will have a neutral impact on housing land supply and in the opinion of the case officer exception b. of para. 155 is not engaged.

#### Green Belt considerations

26. Within Rochford District Council’s adopted Core Strategy, it is explained that the term ‘Green Belt’ refers to a planning designation and is not necessarily a description of the quality of the land and therefore land which is allocated as Green Belt can include both previously developed land and brownfield sites. It is detailed within Policy GB1 of the Core Strategy that the Council will direct development away from the Green Belt as far as practicable but where proposed development would encroach upon the Green Belt the protection of land would be prioritised based on how well the land helps achieve the purposes of the Green Belt, as mentioned above.
27. Policy GB2 of the Core Strategy however, states that the Council will maintain a restrictive approach to development within the Green Belt, but that this view would be relaxed in relation to proposals relating to rural diversification. Within this Policy it is deemed that retail and residential development are not considered acceptable forms of rural diversification within the Green Belt. This is largely due to the issues of sustainability of such uses within rural locations, which are relatively cut off from required surrounding facilities.
28. This is supported by the NPPF, in which it is stated that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channeling development towards urban areas inside

the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the greater Green Belt Boundary.

29. It is stated within Rochford District Council's Development Management Plan that redevelopment of previously developed land in the Green Belt to residential, retail or other uses which are more appropriately located in town centres (e.g., office, commercial, leisure and community uses) are not generally supported. Residential development should primarily be directed towards the district's defined residential settlements; sporadic development that is poorly related to existing development, services and facilities can negatively impact upon sustainability.
30. As previously stated, 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 National Planning Policy Framework (NPPF) but can still attract weight in proportion to their consistency with the NPPF. These policies reflect the aims of those parts of the NPPF which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the NPPF which would also be a material consideration.
31. 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.
32. The application site is located wholly within the Metropolitan Green Belt. Paragraph 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.
33. Paragraph 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.

34. 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.

35. By virtue of paragraph 154 of the NPPF 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 such as replacement dwellings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). As previously stated, the proposal involves the demolition of the 3 Hooley Drive which is a single storey detached dwellinghouse and the erection of a 3 bedroomed bungalow. Consequently, the proposal will be assessed against exception d) of para. 154 of the Framework. It is considered that the remaining exceptions a) to c) and e) to g) do not apply in this instance.

36. Furthermore, Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.

37. Building upon para. 154, para. 155 of the framework enunciates a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development and which are:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

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

- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
38. The guidance stated within paragraphs 110, 115, 156 to 157 are not applicable to the determination of this application.
39. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not "very special circumstances" in their own right.
40. These very special circumstances are dealt with in detail in the applicants Planning Statement and include the following:
- The proposed dwelling, is no larger than the one proposed to be replaced and as such, will not be inappropriate in policy terms;
  - The applicant has a fall back position and can utilise their Permitted Development rights to extend the existing property. The applicant has included several appeal decisions to illustrate this point;
  - It is alluded to that the proposal will remove an unsightly building and replace it with a building more in keeping with the rural vernacular.

#### Assessment against Exception (d)

41. The proposed development is assessed against exception d) of para. 154 of the NPPF, which states that "*The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". According to the submitted plans/supporting documents the proposal is to demolish the existing dwellinghouse and replace it with a similar sized residential property. It is considered that the proposal complies with the first limb of the exception – "*The replacement of a building, provided the new building is in the same use*".

42. Notwithstanding the above, it is imperative to address the second limb of exception (d) which states “and not materially larger than the one it replaces”. The term “materially larger” is not defined in either local or national guidance, and accordingly this is a matter of planning judgement having regard to the particular circumstances of the case. Consequently, the question of whether a building is materially larger than that existing, is one that has been met with challenge. R Heath and Hampstead Society v Camden LBC (2007) discuss the reasons why the relevant test for replacement buildings in the Green Belt is one of size rather than visual impact; the essential characteristic of Green Belts is their openness not their appearance. Christopher Lockhard-Mummery QC in Surrey Homes Ltd V Secretary of State for Environment (2000) said that which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement dwellinghouse, will depend on the circumstances of the particular case. It may be floor space, footprint, built volume, height, and width. But in most cases floor space will undoubtedly be the starting point, if indeed it is not the most important criterion. In the judgement of Heath and Hampstead Society V Camden (2007), the courts agreed with the conclusion of Surrey Homes stating that the general intention of the materially larger test is that the new building should be similar in scale to that which it replaces. The Surrey Homes case illustrates why some qualification to the word “larger” is needed. A small increase may be significant or insignificant in planning terms, depending on such matters as design, massing, and disposition on the site.
43. In line with this, the Council’s Development Management Plan permits within Policy DM21 the replacement or rebuild of existing dwellings in the Green Belt. Permitting the replacement or rebuild of existing dwellings offers the opportunity to achieve an improvement in the appearance of many dwellings in the Green Belt. Policy DM21 of the Development Management Plan takes into account the overall siting, scale and bulk of the replacement dwelling and whether this would be appropriate development.
44. Policy DM21 of the Development Management Plan states that 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.

45. It is the applicant's contention that the proposed dwelling, is no larger than the one proposed to be replaced, and as such will not be inappropriate in policy terms. The case officer can confirm that no original planning consent has been found for the site. Notwithstanding this, a plotting sheet dated 1947 shows the dwelling to exist at this time. The planning history is somewhat limited but shows a rear extension was granted building regulations consent in 1984 (84/894/BR). It is also evident that a conservatory/extension was constructed to the south facing front elevation of the property sometime in 1988. No details of any planning permission for this addition are held by the council.
46. The plans submitted with planning application 09/00463/LDC indicate what is considered to be the extent of the original dwelling. A side extension has also been constructed. There is no planning history for this addition. The dwelling indicated on the plotting sheet measures approximately 9m wide. This does not correspond to the applicant's indication of the original width seen within the drawings submitted in planning application 09/00463/LDC, nor the width with the incorporation of a possible side extension. It was concluded within this application that as the plotting sheet is set at a scale of 1:2500, it is difficult to determine precise size. The officer concluded that it is considered reasonable to determine that the applicant's judgement of the original size of the dwelling to be as accurate as can reasonably be determined and this decision is still held.
47. The original dwelling has a floor space of 50m<sup>2</sup>. To be in accordance with part (i) of Policy DM21, the replacement dwelling could not have a floor space greater than 62.5m<sup>2</sup>. The existing floor area equates to 108m<sup>2</sup>, which already way exceeds the 25% requirement. The floor area as proposed by the new dwellinghouse equates to roughly 107m<sup>2</sup>. As such, the proposal does not comply with part (i) of Policy DM21 as the floor space would exceed the 25% allowance and would in turn be an increase in floorspace by 114%.
48. Derelict or abandoned properties are not considered part of the housing stock, and therefore planning permission will not be granted for their redevelopment for housing.

49. Though the dwelling is not currently lived in, it is habitable and not considered abandoned, therefore planning permission can still be granted for the replacement of the dwelling.
50. Policy DM21 (iii) states 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.
51. Whilst the overall height of the dwelling would be maintained at 4.1m. The criteria of part (i) has already been far exceeded, as such it must be noted that the 25% enlargement allowed under part (i) is that of the original dwelling and not in addition to the dwelling as currently existing. The visual mass and bulk of the dwelling would be significantly larger than the original dwelling, which had a footprint of 50m<sup>2</sup>, and it is considered that by allowing the proposal would consequently reduce the openness of the green belt by reason of the presence of greater built mass.
52. As previously stated, in the judgement of *Heath and Hampstead Society v Camden* (2007), the courts agreed with the conclusion of *Surrey Homes* stating that the local planning authority is solely concerned with a mathematical comparison of relevant dimensions. According to the submitted plans and the applicants Design and Access Statement the applicant infers that the proposal will have no greater impact on the openness of the Green Belt as the existing property, which is already in situ, as the existing and proposed dwellinghouses have similar footprints and the height of the proposal is identical to the existing property. Nevertheless, and clearly the facts of the case are, that the building has already been substantially increased beyond the original footprint of 50m<sup>2</sup> and although some enlargement has been possible under permitted development this does not detract from the key consideration of comparison as required by DM21 with the floor space of the identified original dwelling.
53. Furthermore, another very special circumstance has been put forward in the way of permitted development fall back. The Lawful Development Certificate permitted in 2009 (09/00463/LDC) shows that a side and rear extension would be lawful within the meaning of Section 192 of the Town and Country Planning Act. These additions would have a floor space of some 16.52m<sup>2</sup>. However, as this LDC application was permitted in 2009, it can be reasonably determined that it is not realistic or plausible that these single storey additions will be carried out as an alternative, due to the amount of time that has passed since this application and the amount of weight attributable to this proposition is limited. In any case, to constitute a very special circumstance and a fall

back position, the impacts (in Green Belt openness terms) of a development influenced by the scale of built form which could be undertaken under permitted development would need to be equal to or worse than the development which is proposed by the planning application to justify the acceptance of the development subject of the planning application. The two do not equate, whilst the increase in floor area achieved if planning permission were granted and the impacts are far greater than what could be achieved via the permitted development route.

54. 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 more appropriate siting in the Green Belt in terms of the impact on openness or amenity.
55. According to the submitted plans, the proposed dwellinghouse will be located 3.8m forward from the existing adjoining bungalow (4 Hooley Drive) and 5m away from this building. The front elevation of the proposed dwellinghouse will be set back approximately 21m from Hooley Drive. Overall, it is considered that the proposed siting would be acceptable.
56. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly; however, it is considered given the constraints of the site within a Green Belt location the proposal will have a significant detrimental impact on the locality and the harm which will be caused doesn't justify approving the proposal and as such the amount of weight given to this factor is limited.
57. It is inferred by the applicant that the proposal will achieve a high-quality architectural design which addresses the Green Belt context. Furthermore, it will remove an unsightly building with limited architectural merit and replace it with a well-designed home which seeks to reflect the context in which it will be located. Furthermore, the applicant seeks to make a case that the proposal will be sensitively landscaped which will help to integrate the proposed development into its surroundings and result 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 to warrant an approval. Compliance with other design requirements notwithstanding the green belt issues would never constitute a very special circumstance. Additionally, whilst the design of the proposed dwellinghouse is of a reasonable standard it is not particularly innovative; and the design of the proposed dwellinghouse does not justify the special circumstances needed for the development to be considered acceptable in this Green Belt location.
58. It has been implied that an important material consideration is the creation of new jobs associated with the construction process. No weighting can be given to this as it simply does not amount to a very

special circumstance, nor can any weighting be given to it in the overall balance of material considerations. It is asserted by the applicant that the development could also support the use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development and the neutral replacement of an existing dwelling.

59. The case officer notes that the existing property is in a poor state of repair and was unoccupied at the time of the site visit. However, as previously attested too it is considered to be habitable. The applicant has inferred that a replacement property would result in an improvement on that which currently exists in terms of an improved standard of living for future occupiers as a result of current building standards. However, the case officer considers that similar improvements could be achieved if the existing property was to be refurbished and as such the amount of weight given to this factor is limited.
60. As previously stated, the agent in their Design and Access Statement unequivocally state that the existing dwelling cannot be considered inappropriate development as the new dwelling is of the same size as the one it replaces and as such complies with exception d) of para 154 of the NPPF. The agent goes on to enunciate that the NPPF which was revised in December 2024 is more up to date than the policies contained within the Local Development Plan and as such the amount of weight afforded to them should be reduced. Moreover, they contend that in order to comply with policy DM21 would result in a smaller property than the existing and this would be unreasonable.
61. It is accepted that the NPPF is more up to date than the policies contained within the Rochford Development Management Plan. However, the aims and objectives of policy DM21 are consistent with the guidance advocated within the NPPF. The case officer has outlined in this report and maintains that the existing property has been extended well beyond the tolerances allowable under policy DM21. None of the extensions have benefitted from obtaining planning permission. Nevertheless, in the opinion of the case officer the current size of the dwelling already far exceeds what is considered proportionate to the original dwelling. Moreover, these extensions have resulted in a property (as it currently stands) which is disproportionately large and as such does have a significant and substantial detrimental impact on the openness of the Green Belt. By replicating and allowing the replacement of the existing structure as it currently stands, with a like for like replacement would undermine the aim and objectives of policy DM21 and is contrary to the spirit of guidance advocated within the NPPF.

## Design Principles

62. The National Planning Policy Framework which sets out the government's planning policies for England was recently revised in December 2024. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.
63. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 'Achieving Well-Designed Places' emphasises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
64. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
65. Whilst the National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
66. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically 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". It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.

67. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people.
68. Moreover, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (paragraph 139).
69. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infilling will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density, and character of locality. 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.
70. The surrounding area is characterized by a range of housing types on sporadic plots which include bungalows and two storey properties, some of which incorporate gables or hips. These properties are constructed predominately out of facing brick under a tile roof and some have been partially rendered. The applicants dwellinghouse is a single storey property which is in a poor state of repair and is not architecturally or visually noteworthy and contributes little to the character and appearance of the locality.
71. 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.

72. According to the submitted layout plans the proposed dwellinghouse will directly face Hooley Drive and will be set back approximately 21m from that road. It is considered that the scale, bulk, and height of the proposed dwelling is proportionate to the area and curtilage in which it is sited. The external materials proposed would be consistent with the materials used on the adjacent dwelling, No. 4 Hooley Drive and will be controlled by the imposition of appropriately worded planning condition. The erection of the 1.8m fence and hard standing to the front curtilage would have no significant impact on the surrounding area provided the fencing was limited to between adjoining dwellings as opposed to enclosing the entire large curtilage, which would be conditioned, in the event that planning permission was approved.
73. The design of the bungalow is relatively simple and unfastidious with projecting gable elements (on the front and rear elevations) and various sized apertures on the elevations, which helps to break up the scale and mass of the proposal and provides some architectural interest. The proposal will incorporate a chimney stack accentuating a vertical emphasis to the dwellinghouse. The dwellinghouse would also incorporate a varied roofscape comprising half hip and gabled elements which gives the building a short squat appearance. Overall, given the siting in a rural area the design would not be considered detrimental to the character and appearance of the surrounding area. Internally the proposal will comprise of 3No. bedrooms, family bathroom, storage cupboard, hall, open plan kitchen and dining room and a separate lounge.
74. 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 and boundary treatments. Nevertheless, 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. The area 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.
75. In addition to the above, the applicant is proposing to demolish an existing prefabricated garage, which is sited towards the front of the plot. This garage is in a poor state of repair and has a detrimental impact on the character and appearance of the streetscene. Following the demolition of the existing garage. The applicant is proposing to

erect a single garage adjacent to the proposed dwellinghouse. The proposed garage will be constructed out of similar materials which will be used to construct the proposed dwelling, and these will be secured by condition. According to plan reference J748/01 Revision F the proposed garage will measure approximately 2.2m high to the eaves and 3.6m high to the apex of the ridge and will be 9m long by 3.8m wide with an external footprint of 34.5m<sup>2</sup>. The garage will incorporate a up and over garage door on the front elevation and a personnel door on the flank elevation. No other apertures are proposed. The design of the garage is typical of many others across the district. In the opinion of the case officer, it is not considered that the design of the garage will appear as an alien or incongruous feature within streetscene.

76. Notwithstanding the above, although the specific appearance of the proposal is considered acceptable, this does not outweigh the harm caused by the development upon Green Belt openness.

#### Impact on Residential Amenity

77. 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.
78. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
79. It is considered that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
80. The nearest residential properties which will be affected by the proposed development (apart from No.4 Hooley Drive) are situated to the south and east of the application site. The case officer notes that there is a distance well in excess of 20m separating the proposal from these residential properties. Moreover, the boundaries are demarcated by mature hedgerow (albeit patchy in places) and punctuated at sporadic intervals by mature trees. Furthermore, there is a 2m high

(approx.) close boarded timber fence delineating the applicant's southern boundary. In the opinion of the case officer given the scale and nature of the proposal, intervening boundary treatments and separation distances 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. Moreover, it is noted that no letters of objection have been received from any of the neighbouring properties in relation to the proposal, and whilst not a determinative factor it is an important consideration.

81. Turning to No. 4 Hooley Drive, which is a detached single storey dwellinghouse and is situated to the east of the proposed dwellinghouse. As previously mentioned, the applicant is proposing to subdivide the site. According to the submitted plans there is a distance of approximately 5m separating the flank elevation of the proposed dwellinghouse from the flank elevation of No.4 Hooley Drive. Moreover, the plans indicate that there will be one aperture in this elevation facing No.4. In reference to the submitted plans this aperture will serve a bathroom which is not classified as being a habitable room. Nevertheless, to ameliorate any negative externalities, the case officer considers it prudent to attach a condition relating to boundary treatment, which will help to mitigate any perceived overlooking or loss of privacy issues. Furthermore, given the scale and nature of the proposal and the orientation it is not considered that the proposal will result in an overbearing impact, nor any overlooking or overshadowing issues and as such the development broadly accords with guidance advocated within the SPD and policy DM1 of the Development Management Plan.

#### Sustainability

82. 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.
83. 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.

84. 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. 820m north from ASDA, 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.
85. In respect of connections to the road network, Hooley Drive connects to Rawreth Lane which is a heavily trafficked road and connects the settlements of Rayleigh and Rawreth and relatively easy access to the wider road network A1245 and A130. The site benefits from good highway connections the surrounding roads are relatively level, and cycling is potential mode of transportation.
86. 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.
87. The agent infers that this windfall site will help to create additional dwelling which will help to meet the needs of the local community due to the housing shortage and given its proximity to local services is not in an isolated location. 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. The dwelling is however a replacement and not additional windfall so attracting no significant weight.
88. The agent has also inferred that the proposal would achieve a high-quality modern 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 result 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.
89. Within the applicants Design and Access Statement a number of appeals have been cited and the agent infers that by allowing these developments a precedent has been created. However, the detailed background to each of these has not been provided. None of the decisions which have been included in the Design and Access



Statement are within Rochford District Council administrative boundaries or subject to the same policy regime.

90. That for “The Homestead” (Seer Green) was allowed in part because the policy for the relevant planning authority required account to be taken of the PD fall back position, unlike the criteria assessment in DM21.
91. That for “5 Summerhill Road” (Macclesfield) had in addition to the Permitted Development fall back, a lawfully implemented but unfinished permission for a large extension.
92. That for “Clifford Cottage” (Bromsgrove) demonstrated the fall back position to be more than a theoretical possibility and very likely to occur attracting significant weight.
93. That for “Cartref “ (Bighton) though considering closely similar policy criteria in a sensitive area, is not however in Green Belt.
94. The submitted case Michael Mansell and Torbridge and Malling Borough Council v. Croudace Portland and the East Malling Trust in part turned on the fact that the fall back barn conversion under Permitted Development rights at issue, in that case found the whole conversion of the barn at issue to be locally policy compliant.
95. In officers view, the amount of weight that can be given to them is limited. Furthermore, in relation to planning, a planning precedent is only relevant to achieving a degree of consistency in decision making. Every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous. A search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits. However, in planning law, there is a “principle of consistency” in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, Mann LJ in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137: “One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency” and R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057.

## Living Conditions for Future Occupiers

### Garden Size

96. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
97. The Council's SPD2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroomed dwellings which shall have an area of 50 m<sup>2</sup> minimum.
98. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of 1000m<sup>2</sup>, which is well above the 100m<sup>2</sup> stated in the SPD. The proposed dwelling, therefore, could satisfy the outdoor amenity space requirements set out in the SPD2.

### Sustainability

99. 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.
100. 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.
101. 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.
102. A single storey dwelling which would comprise of three bedrooms accommodating either four or five people would require a

minimum Gross Internal Floor Area (GIA) of 74m<sup>2</sup> or 86m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2.5m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwelling will measure approximately 107m<sup>2</sup>.

103. The table below shows the Gross Internal Floor area for the proposed bedrooms.

Bedroom No.1 (Master)	15.8m <sup>2</sup>
Bedroom No.2	11.8m <sup>2</sup>
Bedroom No.3	9m <sup>2</sup>

104. According to the submitted plans the bedroom complies with aforementioned policies and exceed the Internal floor area requirements. Additionally, according to the submitted plans there is a storage cupboard which measures approximately 1.5m<sup>2</sup> and as such there is a slight shortfall. However, the proposal substantially exceeds the recommended minimal GIA for a three bedrooomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.

105. 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.

106. 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.

#### Refuse and Waste Storage

107. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm

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

#### Impact on Highway Safety

108. 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.
109. 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.
110. In accordance with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
111. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. Moreover, according to the submitted layout plan, there is sufficient turning space provided for vehicles to maneuver effectively, ensuring they can access and egress the site in a forward-propelling gear. It is considered that this arrangement satisfies the necessary requirements for safe and efficient vehicle movement, reducing the risk of congestion and/or obstruction. The layout demonstrates careful consideration of vehicle circulation ensuring the functionality and road safety of the site.
112. Notwithstanding the above, the case officer considered it prudent to consult with colleagues in Essex County Council Highway Authority have been consulted regarding the application and state *"The proposal is located in Hooley Drive which is a private road that is*

*shared with a Public Right of Way bridleway. The applicant should seek permission from the landowner for the installation of the crossover. A minimum of two off-street parking spaces should be provided for the dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”.*

113. The Highways Engineers have outlined that they have no objection to the application subject to the imposition of conditions relating to the public's rights and ease of passage over public bridleway no. 69 (Rochford) shall be maintained free and unobstructed at all times, cycle parking and standard informative.

114. In light of the above, Essex County Council Highways have raised no objection to the proposed development. There is no reason for the Local Planning Authority to take an alternative view. Consequently, it is 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 on parking or access grounds.

#### Flooding

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

#### Drainage

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

#### Landscape

117. 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.”*

118. The case officer notes that there were a number of mature trees which were located around the periphery of the application site and due to their size, they had an extensive canopy spread. The case officer considered it prudent to consult the Councils Arboricultural Officer who states *“I would suggest the applicant carry out an arb impact assessment due to the large canopy trees west of the site. The captured data will then be used to influence site layout to reduce / remove the impact upon those trees, following this a method statement and tree protection plan will be required to demonstrate how the trees will be protected during the construction phase”*.

119. The submitted planning application forms state that the proposed development would not require the loss of any significant trees. However, an arboricultural impact assessment (AIA) in accordance with BS 5837 2012 has not been submitted, so there is not sufficient information to determine whether the existing trees will be impacted or if any works will need to be conducted on the existing trees. Due to the lack of AIA it is not possible to fully assess what impact that the proposal may have on the surrounding environ and as such is contrary to policy DM25 and this will constitute an additional reason for refusal.

#### On-site Ecology

120. 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.

121. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
122. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
123. Nonetheless, the case officer also noted that there was a large ornamental pond located at the rear of the dwelling and to the north of the site. However, given that the proposal seeks to erect a new building to replace one which already exists the proposal would be unlikely to impact adversely on protected species. Given that the part of the site where development is proposed is already developed and the immediate area surrounding the dwelling to be demolished consists of maintained gardens it is unlikely to support protected species and therefore no objections are raised in regards to ecology.
124. Additionally, the applicant submitted a Bat Survey under application 23/00943/FUL, is more up-to-date than the Bat Survey submitted with this application. The previous survey was produced by John Dobson dated May 2023 (the survey submitted with the current application is dated December 2019 and is produced by the same author). The report states that *"No evidence of their presence was found at this site. The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for this building. The building was considered to have negligible potential as a roosting place for bats"*.
125. However, the report makes a number of recommendations which includes: -
  - Two bird nesting boxes to be sited on trees or buildings at the site;
  - A Hedgehog nesting box to be sited at base of a boundary hedge.

- Two solitary bee hives to be erected at the site.

126. It is considered that the proposal will not have detrimental impact on protected species and there is insufficient justification to recommend a refusal and substantiate it at any future Appeal. The case officer considers it reasonable to attach a condition securing the aforementioned biodiversity enhancements.

#### Off-site Ecology

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

128. The development for a replacement dwelling which 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 a replacement 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

129. 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.
130. 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. As the proposal is for a replacement dwelling there will not be a requirement for a RAMs payment to be made to the LPA to mitigate off site ecology provisions.

#### Biodiversity Net Gain

131. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.
132. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
133. More specifically the applicant has completed the proforma indicating that the proposal relates to a self-build/custom build development. And an exemption applies to this type of development as

it meets the following conditions: consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares and is a self-build.

134. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended. If planning permission is approved, given that the proposal is for a self-build dwelling it is recommended that a standard condition relating to occupation is attached to the decision notice.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

135. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
136. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
137. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **CONCLUSION**

138. Refuse.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rawreth Parish Council: No objections raised

Rochford District Council Arboricultural Officer:

I would suggest the applicant carry out an arb. impact assessment due to the large canopy trees west of the site. The captured data will then be used to influence site layout to reduce / remove the impact upon those trees, following



this a method statement and tree protection plan will be required to demonstrate how the trees will be protected during the construction phase.

Essex County Council Highways Authority:

No objection subject to conditions pertaining to the public's rights and ease of passage over public bridleway No. 69 (Rochford) to be maintained free and unobstructed at all times, cycle parking and informatives.

Neighbour representations:

One reply has been received from the following address:

Hooley Drive: 4.

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

- It's about time this property got built it has been on this land since the early 1900 If a new property like number 4 is built will only improve the looks and helps the environment with the latest regs.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV9, T3, T6.

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

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

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

The Essex Design Guide.

Natural England Standing Advice.

### **RECOMMENDATION: REFUSE**

REFUSE

1. The site is located within the Metropolitan Green Belt as defined by the council's adopted Allocations Plan (2014) where strict controls apply to

development proposals which shall only be granted planning permission in a limited number of circumstances as set out within paragraphs 153, 154 and 155 of the National Planning Policy Framework (December 2024) or in circumstances where despite an identified harm to the Green Belt by reason of inappropriateness or any other harm very special circumstances prevail sufficient to be capable of being attributed material weighting to outweigh this significant harm. The proposed development is considered to constitute inappropriate development by definition as the replacement dwelling will be materially larger than the existing and original dwelling and will constitute a further harm to Green Belt openness by the very reason of its presence thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2024).

It is not considered in this instance that the matters progressed by the applicant as very special circumstances amount to or constitute very special circumstances including the applicant's permitted development fall back position which is fundamentally flawed. There are considered to be no very special circumstances in this instance sufficient to be capable of being attributed material weighting to outweigh this significant harm by reason of inappropriateness and the other harm identified thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2024).

The proposed development would comprise a gross internal floorspace area greater than 25% of the gross internal floor space of the original dwellinghouse which is the limit specified by the council's Development Management Plan policy DM21 - resulting in a disproportionate increase by comparison with the original dwelling with resultant harm and incremental urbanization to Green Belt openness thereby conflicting with Policy DM 21 of the council's adopted Development Management Plan (adopted 16th December 2014).

2. Due to the absence of an Arboricultural Impact Assessment, it has not been possible to evaluate the constraints posed by the existing trees or the potential impact of the proposed dwelling on the retained tree stock on the site. As such, insufficient information has been provided to support the application, contrary to Policy DM25 of the Council's Development Management Plan and the relevant sections of the NPPF, both of which seek to ensure that development mitigates its impact on biodiversity.

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

Application No :	25/00114/FUL      Zoning : Metropolitan Green Belt
Case Officer	Mr Thomas Byford
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Piggeries Lincoln Road Rochford
Proposal :	Demolish all existing buildings and erect 2No. three bedroomed self-build bungalows with garages, new boundary treatments and associated residential gardens and form new vehicular accesses and driveways.

## **SITE AND PROPOSAL**

1. The application site relates to a parcel of land which is located within the Metropolitan Green Belt as defined by the Council's Local Development Framework Allocations Plan (2014).
2. The site hosts one solid construction stables, two storage units, one of them being built out of 9" solid block construction, 591m2 menage, 100m2 horse walker and a 2No. bedroom bungalow. The bungalow is a converted unit, which took place over 15 years ago.
3. The proposal is to demolish all existing buildings and erect 2 No. 3 bedroomed bungalows with garages.

## **RELEVANT PLANNING HISTORY**

Application No. 24/00255/FUL - Demolish all existing buildings and erect 2No. three bedroomed bungalows with garages, new boundary treatments and associated residential gardens and form new vehicular accesses and driveways – APPROVED.

Application No. PA/23/00027/PREAPP- Demolish all existing buildings and erect 2 No. three bedroomed bungalow with garages and stables - With the changes made during the course of the pre-application enquiry, the proposal for 2 new dwellings with garages and driveways/landscaping is not considered likely to have a detrimental impact on the openness of the Green Belt and is therefore likely to be considered acceptable. The advice and guidance provided within this pre-application response should be adhered to when submitting an application.

Application No. 22/00926/FUL - Proposed 60m x20m Menage. APPROVED.

Application No. 22/00679/FUL - Demolish part of the existing buildings to erect a four-bedroom bungalow with double garage and stable.  
APPROVED.

Application No. 22/00123/FUL - To demolish all existing buildings to erect 2no four-bedroom bungalows with garages and stables.  
REFUSED and APPEAL DISMISSED.

Application No. 21/00271/FUL - Erection of a Building Used in Connection with Storage Purposes (B8 use) (retrospective).  
REFUSED.

Application No. 10/00574/FUL - Construct Horse Exercise Menage.  
APPROVED.

It is noted that the plans submitted with the pre-application advice under reference PA/23/00027/PREAPP in which the proposal was found acceptable in principle are identical to what has been submitted with this application and therefore the acceptability and the view of the Council in terms of the proposed development has already been established.

## **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).

### **Context**

6. The site is located on Lincoln Road, Rochford. This application is a revision of a previously approved scheme, application reference: 24/00255/FUL.
7. The revisions include an increase in footprint of both dwellinghouses last approved, with an extension of the rear gabled element. Two rooflights are also proposed to the front roof slope of each dwelling and the dwellings would be located deeper into the site, giving a more generous frontage, a slight reduction in the garden area for each dwellinghouse.

## Green Belt considerations

8. Section 13 of the NPPF (2024) explains 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.
9. 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 and h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it.
10. Whether the proposal would meet any of the exceptions above has been carefully considered by the local planning authority. Only part (g) has relevance to the current proposal.



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

11. In respect of exception (g), the Council has already assessed and confirmed that the application site represents previously developed land in the previously approved scheme under application reference: 24/00255/FUL. Therefore, the key consideration remains as to whether the current proposal has any greater impact on the openness of the Green Belt in comparison to that already approved.
12. In principle there is no objection to two dwellings on the site. The previous NPPF (2023) required the impact of the new development to be no greater than the existing structures. However, the revision to the NPPF in December 2024 now only requires such replacement redevelopment not to cause substantial harm to the openness of the Green Belt. There is a result, no longer a direct correlation required between the impact of existing development to be removed and that proposed.
13. The existing buildings to be demolished include a stables block measuring approximately 20.2m<sup>2</sup>, one outbuilding measuring approximately 78.8m<sup>2</sup>, a second outbuilding measuring approximately 42.2m<sup>2</sup> and a bungalow measuring 76.6m<sup>2</sup>.
14. There are two mobile homes existing on the site, however it is understood that these are only existing to provide accommodation to the owners who would live there whilst the dwellings are being constructed. It is therefore reasonable to condition the removing of these mobile homes from the site prior to first occupation in the interests of maintaining the openness of the Metropolitan Green Belt.
15. It is noted that a dwelling type has already been approved at this site which would have a floor area of 224.2m<sup>2</sup> and at a height of 4m. The approved scheme under application reference 24/00255/FUL proposed a similar floor area as the existing buildings to be demolished (existing at approximately 217.8m<sup>2</sup> and the dwellings approved under that application including the garages were measured at approximately 218m<sup>2</sup>. The proposed dwellings however did have a greater height of 5m. Although this is approximately 1.5m greater than the height of the existing buildings on the site (1m greater than the dwelling approved), it is not considered to be significant, and the dwellings themselves are modest in form and size with an appearance in accordance with their rural setting.
16. This application seeks to add an additional 10m<sup>2</sup> of area onto each of the dwellings, by way of extending the gabled element at the rear to span the entire dwellinghouse. Taking into account that the Local Planning Authority had approved a dwelling at this site (application reference: 22/00679/FUL) which had a floor area over 20m<sup>2</sup> greater than the semi-detached scheme approved under 24/00255/FUL, a

20m<sup>2</sup> overall increase, shared equally between both dwellings is considered acceptable and is not considered to be substantially detrimental on the openness of the Green Belt.

17. Although the dwellings are proposed to be sited deeper into the site, towards the west, it is not considered that this would cause significant harm to openness.
18. For the reasons above, the proposal is not considered likely to have a detrimental impact on the openness of the Green Belt and therefore is considered to meet exception (g) from paragraph 154 of the NPPF.
19. It is noted that the residential gardens have been decreased in size because of the repositioning of the dwellings. It is however considered that with the gardens complying with the area standards within SPD2, this is acceptable. It is noted that the other land to the rear would not constitute as curtilage and would not be able to be used as over-flow garden. In relation to this, a suitable condition would be imposed on any granting of planning consent to outline the exact curtilage of the dwellinghouses to retain the character and openness of the Metropolitan Green Belt.
20. If planning permission were to be approved, there would be a restriction placed on constructing any new outbuildings and extensions the garden areas to prevent such buildings having a detrimental impact on the openness of the Green Belt. Any new buildings within the wider land would require planning permission as this would not be within the residential curtilage in any case. Such a restriction would also be placed on any further extensions to the dwellings for the same reasoning given the account taken of the buildings and structures to be removed. Planning condition 6 of the previously approved application for one dwelling here removed the same permitted development rights.
21. It would also be the case that there would need to be a fence or buffer to segregate the garden area from the other land in the same ownership. This land represents agricultural land and could not be used as residential garden.

#### Impact on Character

22. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good

planning and the proposals should contribute positively to making places better for people.

23. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
24. The area of Lincoln Road is characterised by detached dwellings, the majority of which are bungalows. These properties are constructed predominately out of facing brick under a tiled roof with some rendering also present. The majority have gable ended roof forms but hipped roofs are also present. The proposal would include dwellings with a traditional bungalow appearance. This would be suitable for its rural location where properties of this style and square form are commonly found and already present within Lincoln Road.
25. The relationship of the dwellings with the road is considered acceptable. The dwellings would be positioned in a central position within the plot and therefore would create a degree of symmetry with their positioning and style.
26. SPD2 requires new dwellings to provide a 1m separation to the boundary which is provided here. The proposed single garages are of acceptable scale and design.

#### Residential Amenity

27. 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 that create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
28. There is a distance of approximately 58m which separates the new dwellings from the adjacent neighbour – Lincoln House. It is considered the separation distance will help to mitigate any negative impact caused by the proposed development. Furthermore, it is considered the intervening boundary treatment and landscape treatment (which would be conditioned if planning permission was granted) to ensure any impacts to residential amenity are mitigated further.
29. The next nearest dwelling is to the North and known as 'Balnabreich'. There is a separation distance of approximately 39m between the proposed dwelling at plot 2 and the dwelling Balnabreich. The proposed dwellings are set well off the boundary and intervening

buildings would also help to ensure no detrimental impact would occur upon neighbouring occupiers.

30. The new dwellings do feature additional fenestration, which could provide an outlook into the windows of the adjacent dwelling if not carefully mitigated against. It is however considered that a close boarded fence here would mitigate overlooking and this has been secured by condition with any approval.
31. Overall, it is considered that the proposed development would not be likely to cause any significant adverse impact on residential amenity in respect to loss of light, noise, overlooking or privacy to the surrounding properties. Neither would it have a significant overbearing impact.

#### Garden Area

32. SPD2 requires two bedroomed properties to provide 50m<sup>2</sup> of garden area with three bedroomed properties providing 100m<sup>2</sup>. The proposal would result in the dwellings having garden areas each exceeding 100m<sup>2</sup>.

#### Sustainability

33. 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.
34. 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.
35. 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.
36. The proposed dwellings are shown by the applicant as a 3 bedroomed dwellings on the submitted plans. The proposed dwellings would be a 3 bedroom, five person dwellings. The dwellings are a five person dwelling as one of the bedrooms does not meet the floor area requirement for it to be considered as a double bedroom.

37. Dwellings of this size would need a gross internal area of 86m<sup>2</sup>, with 2.5m of built in storage to meet the above standards. The proposed dwellings would exceed the GIA required. It is noted that only 1.0m<sup>2</sup> is accounted for in terms of inbuilt storage however the dwellings exceed the GIA required sufficiently to provide the additional 1.5m<sup>2</sup> of built in storage required for this size dwelling.

#### Impact upon Highway Safety

38. The Council has recently adopted the Essex Parking Guidance (2024), which now supersedes the previous 2009 guidance for Rochford.
39. This site is considered to be in an area of low to moderate connectivity.
40. The proposal includes access onto new driveways for both properties. The hardstanding proposed is sufficient for the parking of two cars each with bay sizes which would both meet the above standards of 5.5m x 2.9m. It is also noted that each dwelling would have a garage which internally meets the above standards of 7m deep x 3m wide.
41. The dwellings would both have access to the driveway from Lincoln Road which is a private road.
42. The Highway Authority have been consulted on the application and their comments state that the applicant should seek permission from the landowner for the installation of vehicle crossovers to ensure that adequate visibility is available between users of the Public Right of Way footpath and new accesses.
43. The Highway Authority have also recommended that a condition be imposed on any granting of planning consent which has been included in the consultations section of this report.
44. The proposal 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 (ZoI) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)

45. 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.



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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

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

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

- No

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

- No

47. 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.
48. 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.
49. 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

50. 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.
51. 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.
52. An ecological survey has been submitted with the application which has summarised the following findings:

*'Bats: All buildings to be affected by the proposal were subject to Preliminary Roost Assessment. No suitable voids/crevices were found, and no signs of roosting bats (e.g. droppings, feeding remains) were identified. All buildings are assigned negligible bat roost suitability (BCT, 2016) and further surveys are not necessary. In the unlikely event that bats are encountered during construction, work must cease until ecological advice has been sought.*

*Great crested newt: Two ponds were identified within Magnolia Fields Local Nature Reserve. Neither pond was considered to be suitable for breeding great crested newt due to the lack of permanence and absence of egg-laying substrate. The site is unsuitable for terrestrial great crested newt, lacking in habitats suitable for foraging, shelter or hibernation. Further surveys are not required.*

*Nesting birds: The stables support nesting swallow, and boundary vegetation is likely to attract generalist nesting birds. Vegetation management/clearance and building work will be carried out between October and February inclusive, unless nesting birds are confirmed to*

*be absent by an ecologist. Active nests (e.g. supporting eggs, chicks, young) will left undisturbed with a suitable buffer (normally 5 metres) until the young have fledged.'*

53. It is considered that the site contains limited habitats that are common and widespread, with limited potential for legally protected species, other than nesting birds.
54. A reasonable and necessary condition will be imposed on any granting of planning consent regarding nesting birds.

#### Trees.

55. Policy DM25 (Trees and Woodlands) 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. No trees are proposed to be removed, nor are there close by trees subject to Tree Preservation Orders that would be affected by the proposal. It is therefore concluded that there would not be any trees adversely affected by the proposal.
56. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

#### Biodiversity Net Gain

57. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
58. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, with the development stated on the planning application form being a custom/self-build development. Although the proposal is for a semi-detached pair of dwellings, the details of two applicants have been provided who would live in those dwellings once constructed.

59. The applicant has not therefore been required to provide any BNG information.
60. As the proposal is for development to which the statutory biodiversity gain condition would not apply, an informative would advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.
61. It is however recommended that a condition be imposed on any granting of planning consent to secure the discharging of the statutory gain condition if the development and resultant dwellings no longer meets the custom/self build exemption.

#### Refuse and Waste

62. 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).
63. According to the submitted plans there is sufficient space within the applicant's curtilage/garage to accommodate the refuse bins. These bins could be brought to the driveway edges on collection day.

#### Flood Risk

64. The site is located within Flood Zone 1 as indicated on the Environment Agency Flood Maps with the lowest risk of flooding and to where development should be directed. The site does not present a risk for surface water flooding.

#### Historical uses and Potential contamination and health risks

65. 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.
66. 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.

67. The site is not understood to have any contamination issues that would impact the development.

#### Foul drainage

68. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination. The submitted foul drainage form states that the use of a septic tank is proposed. This is proposed to be discharged to a drainage field or soakaway. This is understood to be proposed as the site does not have a connection to the sewerage mains at present.

69. In this case and due to the nature of the proposal which includes new dwellings – it is considered that there is capability of the site to dispose the foul drainage and the method for this would be covered and agreed during the application for Building Regulations that would be required for the proposal.

#### Equalities and Diversity Implications

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

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

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

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



## **CONCLUSION**

APPROVE subject to conditions.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hawkwell Parish Council

No comments received.

Essex County Highway Authority:

The information that was submitted in association with the application has been fully considered by the Highway Authority. Lincoln Road is a private road; the applicant should seek permission from the landowner for the installation of the vehicle crossovers and the applicant must ensure that adequate visibility is available between users of the Public Right of Way footpath and the new accesses. Each dwelling will have access to a minimum of two off-street parking spaces, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. The public's rights and ease of passage over public footpath no 26 (Hawkwell) 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.

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.

London Southend Airport:

No safeguarding objections

Neighbour representations:

No comments received.

### **Relevant Development Plan Policies:**

National Planning Policy Framework 2024.

Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, GB2, T8.

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

Essex Parking Guidance (2024).

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

The Essex Design Guide (2018).

Natural England Standing Advice.

**RECOMMENDATION: APPROVE**

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 137-01D dated 26.07.2022, 137-02C dated 26.07.2022, 137-04 dated 26.07.2022, 137-05 dated 26.07.2022, 137-06B dated 26.07.2022, 137-07B dated 26.07.2022, 137-09A dated 26.07.2022, 137-11 dated 26.07.2022 and 137-12 dated 26.07.2022.

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

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form, those shown on documents as submitted with the application, or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

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

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

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

5. 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.

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

REASON: To ensure the site can accommodate the required parking spaces in compliance with Essex Parking Guidance (2024) in the interests of highway safety and in accordance with policy DM1 and DM30 of the Rochford Council Development Management Plan.

7. The surfacing materials to be used on the driveways of the development, shall be 'Marshalls – Drivesett Argent Priora- Dark permeable block paving', as shown on the submitted materials document, unless alternative materials are submitted and agreed with the Local Planning Authority prior to their first use on the site. The development shall be carried out in accordance with the approved details.

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

8. Notwithstanding the area of land within the red lined boundary as shown on plan 137-01D dated 26.07.2022, the residential garden to each of the dwellings hereby permitted shall be limited to the areas shown and labelled as the amenity area (shaded green), and patio area as shown on approved plan 137-02C dated 26.07.2022.

REASON: To ensure continued control over the otherwise encroaching extent of the gardens and curtilage on the site, in the interests of the open character of the Metropolitan Green Belt.

9. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding and fledging is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.

REASON: To safeguard nesting birds in accordance with Paragraphs 192 of the NPPF.

10. Prior to first occupation of the dwellings hereby approved, the two mobile homes labelled as 'static caravans' and shown on the site plan 137 01D (dated 26.07.2022) shall be demolished or permanently removed from the application site.

REASON: To ensure continued control over the built structures on the site, in the interests of the open character of the Metropolitan Green Belt.

11. The public's rights and ease of passage over public footpath No. 26 (Hawkwell) 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 (ii) of the Rochford Council Development Management Plan

12. The dwellings hereby approved shall be first occupied by the applicants for a period of not less than 3 years from the date of first occupation.

REASON: The development hereby approved was declared to be exempt from the mandatory Biodiversity Net Gain (BNG) condition as a result of the dwellings being self-build. The dwellings must be delivered as self-build dwellings because otherwise the mandatory BNG condition would

apply as would have the need for the applicants to supply the necessary pre-planning consent BNG information which was not provided in relation to the planning application.

The local Ward Member(s) for the above application are Cllr N. J. Booth, Cllr Mrs. J. R. Gooding and Cllr. I. C . Wilson.

Application No :	24/00830/REM      Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	Land Adjacent 17 Bracken Dell Rayleigh
Proposal :	Application for Reserved Matters consent for details of access, appearance, layout, landscaping, and scale in respect of the development of 2No. bungalows pursuant to outline planning permission reference 24/00049/OUT.

## **SITE AND PROPOSAL**

1. The application site is located to the rear of dwellings along Bull Lane and off the end of Bracken Dell. Bracken Dell loops round to the rear of properties fronting Bull Lane. The application site is currently being used as a builder's yard and is covered in various types of building materials and other detritus. The application site is located wholly within the residential envelope of Rayleigh.
2. The dwellings along Bracken Dell are detached two storey properties. The dwellings have a fairly uniform design and appearance and are mostly finished with yellow brick work. The frontages are well established and for the most part are dominated with hardstanding. Whilst the application site is located to the rear of Bull Lane, Bracken Dell forms a cul-de-sac and the dwellings would be accessed from the end of the street which is adjacent to No.17 Bracken Dell.
3. Outline planning permission (24/00049/OUT) was granted on the 24th July 2024 this application only sought permission for the principle of development. The Outline Planning Permission (OPP) was subject to a number of planning conditions which are summarised below: -
  - Details of the reserved matters application to be applied for;
  - A reserved matters application should be submitted for within 3 years from the date of the Outline Planning Permission (OPP);
  - Details of development in accordance with the approved plans;
  - Scheme for the installation of Electric Vehicle charging points;

- Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds;
  - The tree protection plan and arboricultural method statement to be adhered to in full;
  - Removing Permitted Development (PD) Rights;
  - Details of vehicular access;
  - No unbound materials;
  - Cycle parking to be provided in accordance with the EPOA Parking Standards;
  - Prior to first occupation of the dwellinghouse hereby approved, a Residential Travel Information Pack
  - Reception and storage of building materials to be clear of the highway;
  - Written details or samples of all external materials to be used;
  - Details of all boundary treatment to be submitted and approved;
  - Details of hard and soft landscaping to be submitted and approved.
4. This application has been submitted to deal with all reserved matters following the OPP.
  5. This reserved matters application seeks consent for details relating to access, appearance, landscaping, layout and scale.
  6. A reserved matters application is not an opportunity to re-examine the principle of development which has already been established by the granting of the OPP. The OPP was supported by a number of parameter plans which set out the key design principles to be followed. This reserved matters application has been prepared in accordance with these parameter plans.

## **RELEVANT PLANNING HISTORY**

7. Application No. 24/00049/OUT - Outline application with all matters reserved for 2 no. detached bungalows – Approved – 10th July 2024.
8. Application No. 22/00626/FUL - Erection of a detached 3 x bed bungalow with associated parking and amenity space – Approved – 27th September 2022.
9. Application No. 20/01049/OUT - Outline application with all matters reserved for a proposed new bungalow – Approved – 3rd February 2021.

## **MATERIAL PLANNING CONSIDERATIONS**

10. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to



section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

#### Background to the application

12. The application site is located wholly within the urban conurbation of Rayleigh. Two previous applications have been submitted in relation to this site. The first application (20/01049/OUT) was in outline format for 1No. detached bungalow with all matters reserved for subsequent approval. This application was approved on the 3rd February 2021. Following the grant of this application, another planning application was submitted (22/00626/FUL) which was a full application for the erection of 1No. detached bungalow and was subsequently approved on the 27th September 2022. However, following the grant of this permission, the applicant submitted an outline application (24/00049/OUT) this application sought outline planning permission with all matters reserved for the erection of two detached bungalows. According to previous applications the application site was formerly part of the residential curtilage attributable to No. 125 Bull Lane but has since been segregated off and is currently used as an informal builder's yard and when the case officer conducted previous site visits, he noted that there was the presence of various types of building materials and other detritus.

#### Principle of Development

13. The outline planning permission (ref: 24/00049/OUT) established the acceptability of the principle of the development proposed. Therefore, the main issues which require consideration as part of the determination of this application are Reserved Matters relating to 'Appearance', 'Layout', 'Scale', 'Access' and 'Landscaping' of the development.
14. In the National Planning Practice Guidance, Paragraph: 006 Reference ID: 14-006-20140306 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, it clearly states that for Reserved Matters applications the following would have to be submitted in support of the application: -
  - 'Access' —the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - 'Appearance' — the aspects of a building or place within the development which determine the visual impression the building

or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 'Landscaping' — the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' — the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' — the height, width and length of each building proposed within the development in relation to its surroundings.

15. In light of the above, the principal of residential development at the site has been approved and outline planning permission was granted. At the outline stage the applicant submitted an indicative layout plan showing that the site was to be subdivided into two plots. According to the layout plan, the site would be accessed via Bracken Dell and 1 No. plot would be located immediately to the south of No.17 Bracken Dell with car parking to the frontage and private amenity space to the rear. Plot No.2 was shown to be located towards the rear of No. 127 Bull Lane with parking to the frontage and private amenity space towards the rear. There would be a turning area to the front of each of the plots so that vehicles could enter/egress the site in a forward propelling gear.

16. Moreover, Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

#### Appearance, Scale and Layout

17. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the

presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and that proposals should contribute positively to making places better for people (para. 131).

18. 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).
19. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density and character of locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached 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.
20. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
21. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
22. The surrounding area is characterised by a variety of housing types which include bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey semi - detached properties, some of which incorporate projecting gables, flat roof and/or pitched roof dormer windows. Furthermore, the roofscape is heterogenous with a mix of hips, gables and half hips. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs, which all add to the rich tapestry of the area.

23. The topography of the application site is relatively flat and there is a plethora of building materials and other detritus located on the site. According to the submitted plans the subject site measures approximately 710m<sup>2</sup>.
24. According to plan reference 4168-10-2 Revision A (proposed site plan) the applicant is proposing to erect 2 No. detached single storey dwellinghouses. Plot No1. would be located towards the south of No. 17 Bracken Dell. The boundary of plot No.1 would be contiguous with this property (No.17). Furthermore, the rear boundary of plot No.2 would be immediately adjacent to the rear garden of No. 127 Bull Lane. Moreover, in reference to the submitted plans the site frontage of the proposed development measures approximately 16.4m (plot No.1) and 10m (plot No.2) in width and as such the proposal complies with the aforementioned policy. Furthermore, the layout plan submitted shows a generous frontage to the bungalows with garden area also to the rear. The garden areas on the whole would be proportionate to the bungalows. The front elevations of the proposed bungalows will face the access road which serves the proposed dwellings. There will be an area of hardstanding separating the two properties, whereby vehicles can park in a side-by-side formation and to the front of each dwellinghouse will be a further area of hardstanding to allow vehicles to manoeuvre so that they can access/egress the site in a forward propelling gear.
25. The proposed development would result in a pair of single storey detached dwellings, both of which would have a roughly rectilinear footprint. According to the submitted plans the proposed dwellinghouses to be sited on plot No.1 will measure approximately 7.8m deep by 10.7m long (as measured at the widest points) and is 2.5m high to the eaves and 5m high to the highest part of the roof. The footprint for this dwellinghouse is roughly 86m<sup>2</sup>. Turning to the remaining property which will be situated on plot No.2, this property will measure 8.2m deep by 11.2m long (as measured at the widest points) and will be 2.5m high to the eaves and 5m high to the highest part of the roof. The footprint of this property is roughly 82m<sup>2</sup>.
26. In order to break up the bulk and mass of proposed dwellings, the applicant is proposing to install a projecting porch, which will be centralized on the front elevation of each property. The roofscape of the main dwellings will incorporate a hipped roofed design, whilst the porch element will incorporate a gabled roof form, which are in keeping with roofscape within the general vicinity.
27. The applicant is also proposing to use various sized apertures on the elevations in order to help alleviate the scale and massing of the proposed development. Furthermore, the applicant is proposing to utilise a relatively simple palette of materials. The proposed dwellings will be constructed out of block (presumably) and rendered white on all

the elevations. However, the porches will be clad in stone, which helps to break up the monotony of the render and helps to draw the eye to the entrance feature. The windows and doors will be constructed of uPVC and finished in anthracite grey. Whilst the rooves will be constructed out Marley modern interlocking tiles. The dwellings are also located in relatively large plots and as such they will not appear overly cramped. It is noted that each of the proposed dwellings will be located minimally 1m off the common boundaries. Moreover, it has been demonstrated that the quantum of development can be accommodated within the site.

28. According to the submitted plans the internal accommodation will comprise open plan kitchen/lounge, bathroom, hall, and 2No. bedrooms.
29. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellings is quite modern and contemporary in nature. Furthermore, it is reasoned that the design of the proposed dwellings 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 dwellings will be instrumental. 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

30. 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.
31. 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.

32. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
33. Para 7.1 of the Councils SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments, is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
34. The application site is neighboured by No. 17 Bracken Dell to the north, Nos. 125A, 127 and 129 Bull Lane to the south, Nos. 14, 16 and 18 Alexandra Road to the east of the application site.
35. Located to the north west of the application site is No. 17 Bracken Dell, which is a 2 storey semi - detached property. This property is at an angle in relation to the application site and does not directly overlook it. Rather, the side elevation of this property faces the application site and it was noted that there were no windows in this side elevation (No. 17). The proposal would be set well off the common boundary and conditions relating to landscaping/boundary treatment will help to alleviate any problems associated with the proposal. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect of loss of light, overlooking or privacy to this property and neither would it have a significant overbearing impact.
36. According to the submitted plans there is a distance in excess of 22m separating the rear elevation of plot No.2 from the rear elevations of Nos. 125a, 127 and 129 Bull Lane. The proposed bungalow would not be considered to give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the siting in relationship to and the separation distances that would be achieved between properties. Furthermore, the intervening boundary treatment will help to mitigate any negative externalities which may be caused by the proposed development. Overall, the proposal is compliant with DM1 and DM3 of the Development Management Plan.
37. Located to the east of the application site are Nos. 14, 16 and 18 Alexandra Road. These properties will mainly be affected by the dwelling located in plot No.1. The case officer noted on the rear elevation of plot No.1 are several apertures which serve habitable



rooms, primarily a bedroom and the open plan kitchen/lounge. There is a distance of approximately 24m separating the rear elevations from the properties on Alexandra Road to the rear elevation of proposal, which will help to mitigate any negative externalities. Moreover, the intervening boundary treatment will also help to alleviate some of the problems which may be associated with the proposed development. Given the scale and nature of the proposed dwelling, it is not considered that the proposal will result in any significant overshadowing nor given the location and orientation of the properties will it appear to be overbearing. It is considered that the proposal will have a marginal impact on the residential amenities of the occupiers of this property.

38. It is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

#### Landscaping

39. As part of the Reserved Matters application for 'Landscaping', hard and soft landscaping details have been submitted for consideration. Drawing no. 4168-10-2 Revision A has been submitted to accompany the application, it shows that predominately site would be mainly laid to lawn at the rear of each of the proposed dwellinghouses. Furthermore, ornamental shrubs would be planted at front of each of the proposed units, in an attempt to make the proposal appear less barren and stark. Moreover, the boundaries to the site will be demarcated by existing 1.8m close boarded timber fencing. The driveway, parking and turning areas to the front of the plots would be formed of Marshalls permeable block paving.
40. The submitted landscaping plan, while functional, does indeed lack the level of detail and depth typically expected in such proposals. Its simplicity, though not inherently problematic, limits its potential to create a more cohesive and integrated design within the surrounding environment. There is a clear opportunity to enhance the plan by incorporating additional planting within the plots and along the site's frontage and parking/turning areas. Strategically placed shrubs, trees or groundcover could help to soften the edges of the development, creating a more seamless transition between the built form and the wider urban vernacular, providing a more balanced relationship between the site and its setting.

#### Living Conditions for Future Occupiers

#### Garden Sizes

41. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
42. The SPD2 requires a minimum 100m<sup>2</sup> 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 m<sup>2</sup> minimum. As previously stated, each property will comprise two bedrooms.
43. The layout submitted shows that the proposed dwellings could be provided with a rear private amenity space well in excess of 50m<sup>2</sup>. In regard to plot No. 1, the amount of private amenity space equates to roughly 86m<sup>2</sup>, whilst the private amenity space for plot No.2 is approximately 64m<sup>2</sup>. The proposed dwellings, therefore, more than satisfy the outdoor amenity space requirements set out in the SPD2.

#### Sustainability

44. 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.
45. 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.
46. 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.
47. A single storey dwelling which would comprise of two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m<sup>2</sup> or 70m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, 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 will measure approximately 73m<sup>2</sup> (Plot No.1) and 71m<sup>2</sup> (Plot No.2) both of which exceed the minimum requirements.

48. The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot 1		Plot 2	
Bedroom No.1	10.5m <sup>2</sup>	Bedroom No.1	10.2m <sup>2</sup>
Bedroom No.2	14.3m <sup>2</sup>	Bedroom No.2	12.9m <sup>2</sup>

49. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Moreover, the internal storage area for plot No.2 is roughly 2m<sup>2</sup> and as such complies with the guidance advocated within the Housing Technical Guidance 2015. However, turning to plot No.1 according to the submitted plans, the amount of storage area afforded to this proposed dwellinghouse is roughly 1.6m<sup>2</sup> and as such does not accord with the aforementioned guidance. Nevertheless, the proposal substantially exceeds the recommended minimal GIA for a two bedroomed property and as such it is considered there is insufficient justification to warrant a refusal and substantiate it at any future Appeal.

50. 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.

51. 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.

#### Flooding

52. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where

development should be directed. As such, the development is compatible with the advice advocated within the framework.

#### Drainage

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

#### Refuse and Waste Storage

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

#### Impact on Highway Safety

55. Policies DM1 and DM3 of the 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.
56. The revised Parking Standards Design and Good Practice Guide (adopted January 2025) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of

5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.

57. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
58. The proposed layout plan (Plan Reference 4168-10-2 Revision No. A) shows a vehicular access/egress arrangement onto Bracken Dell. Additionally, the layout plans show that a minimum of two car parking spaces can be accommodated at the front of the proposed dwellinghouses. Moreover, according to the submitted layout plan, there is sufficient turning space provided for vehicles to manoeuvre effectively, ensuring they can access and egress the site in a forward-propelling gear. It is considered that this arrangement satisfies the necessary requirements for safe and efficient vehicle movement, reducing the risk of congestion and/or obstruction. The layout demonstrates careful consideration of vehicle circulation ensuring the functionality and road safety of the site.
59. Notwithstanding the above, the case officer considered it prudent to consult with colleagues in Essex County Council Highways Department regarding the current proposal and they state *“This recommendation includes the mitigation measures from the outline recommendation. The proposal includes creation of two new dwellings. A new shared vehicle access and off-street parking and turning are included. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”*.
60. The Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to vehicular access to be constructed at right angles, no unbound materials, 2No. off road car parking spaces, cycle parking, residential travel information packs and reception and storage of building materials and standard informatives, these conditions were attached to the previous OPP application and the case officer does not consider it necessary to replicate the same conditions on this current application.
61. There is no reason for the Local Planning Authority to take an alternative view. Consequently, it is considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal on highway safety or parking grounds.

Trees

62. Policy DM25 of the of the Development Management Plan 2014 states that:

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

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

63. The case officer noted when he conducted his site visit that located within and around the periphery of the site were numerous trees and shrubs. Additionally, under the remit of the outline application the applicant submitted an arboricultural report to accompany that application. The arboricultural report was produced by the Andrew Day Arboricultural Consultancy and was dated 18th April 2024. The report acknowledged that a number of trees etc. will need to be removed to implement this development in particular T4, T7 to T9, which were shown on the accompanying Tree Protection Plan. The author of the report stated that these “...are low quality trees whose removal will not have a detrimental impact on wider public amenity”. It is considered that loss of these trees will be compensated for with new planting of trees and shrubs better suited to the site, which will be conditioned accordingly in the event that planning permission is granted.

64. The Councils Arboricultural Officer was consulted in regard to the OPP application and stated that *“The tree report seems to have captured the trees that I was able to view and the description and dimensions appear correct”*. He went to enunciate that he had no objection to the proposal subject to the tree protection plan and method statements as submitted are conditioned.

65. Notwithstanding the above, the case officer considered it prudent to consult the Councils arboricultural officer in relation to the current application and he stated, *“No objection”*. In light of the aforementioned comments, it is not considered that the proposal will have a significant detrimental impact.

#### Biodiversity Net Gain

66. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact (‘net gain’) on biodiversity. A minimum 10 percent BNG is now mandatory



under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).

67. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit, assessment of on-site habitat and consideration of the nature of the development proposed; officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
68. This application is a Reserved Matters which builds upon the principle of development. Given the nature of this application BNG requirements are not applicable.
69. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended

#### On-site Ecology

70. 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.
71. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
72. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a

clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

73. A Preliminary Ecological Appraisal (PEA) was submitted with the OPP to support that application which in summary indicated that

“...The site is not designated for its importance in nature conservation at an international, national, regional, or county level. The site itself and the habitats found on-site are common and widespread throughout the UK, and the habitats are of limited ecological value and only site value”.

The report went on to enunciate “...*Habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting habitat. The likelihood of protected species is negligible, and no further consideration is needed*”.

The report made one recommendation relating to removal of suitable habitats must be undertaken outside the bird breeding season. The PEA and its associated recommendation were reviewed and agreed upon by the council's ecological officer. The case officer can confirm that there has been no change in circumstances.

#### Off-Site Ecology

74. 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 of future residents to the dwelling proposed.

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

HRA Stage 1: Screening Assessment – Test 1 – the significant test Is the development within the zone of influence (Zol) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two additional dwellings

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test Is the proposal for 100 houses + (or equivalent)?

- No

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

- No

76. 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.

77. 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.

78. The applicant paid the suggested financial contribution as part of the outline planning consent 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.

Green Belt

Equalities and Diversity Implications

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

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

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

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

## **CONCLUSION**

82. Approve.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rayleigh Town Council : No comments received.

Essex County Council Highways: No objection to the proposal subject to conditions relating to vehicular access to be constructed at right angles, no unbound materials, 2No. off road car parking spaces, cycle parking, residential travel information packs and reception and storage of building materials and standard informatives,

Rochford District Council Arboricultural Officer: No objection.

Neighbour representations: No responses received.

### **Relevant Development Plan Policies:**

National Planning Policy Framework 2024.

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

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

Essex Planning Officers Association Parking Guidance Part 1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).

The Essex Design Guide.

Natural England Standing Advice.

**RECOMMENDATION: APPROVE**

Conditions:

1. The development hereby approved shall be carried out in total accordance with the approved plans as follows:

4168-10-5 Revision No. A (Sections) (as per date stated on plan August 2024), 4168-10-4 (Plot 2: Proposed Elevations, Floor Plan and Roof Plan) (as per date stated on plan August 2024), 4168-10-3 (Plot 1: Proposed Elevations, Floor Plan and Roof Plan) (as per date stated on plan August 2024), 4168-10-2 Revision No. A (Site Layout Plan) (as per date stated on plan August 2024) and 4168-10-1 Revision No. A (Location Plan) (as per date stated on plan August 2024).

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

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

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

3. Notwithstanding the plans hereby approved prior to occupation of the development hereby approved, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall 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 intended retention of any existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;

- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

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

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

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

Application No :	24/00827/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Land Adjacent The Retreat St Johns Drive Rayleigh
Proposal :	Demolition of the existing stables and barn and construction of 1no. single storey dwelling with detached garage and enclosed residential garden. Form new vehicular access.

## **SITE AND PROPOSAL**

1. The application site lies to the West of St. John's drive, as well as being adjacent and to the south of the residential dwelling called "The Retreat." The site is located adjacent to the residential curtilage associated with The Retreat on land currently occupied by equestrian uses as well as an area of residential garden. The site consists of stables, a barn and paddocks along with covered storage and residential amenity. Therefore, making the site previously developed



land. The site benefits from a built-up frontage and is laid out with the majority of built form to the north and west of the site. The proposed site surrounded by open fields and paddocks with residential and commercial uses both to the North and South. The site is in the Metropolitan Green belt.

2. The proposal requires full planning permission for the demolition of the existing stables and barn to build one bungalow with a detached garage and new vehicular access.

## **RELEVANT PLANNING HISTORY**

3. Application no. 83/00350/FUL - Provide new roof and raise ridge height. – Refused.

## **MATERIAL PLANNING CONSIDERATIONS**

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

### **Principle of Development**

6. The latest version of the National Planning Policy Framework (NPPF) was recently revised in December 2024. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It states 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.
7. 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 NPPF. Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the NPPF (rather than those in development plans) that

protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

8. 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 NPPF 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 NPPF which would also be a material consideration.

#### Assessment

9. The main issues for this application are:
  - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the NPPF 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.
10. According to paragraph 142 of NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 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.
11. Paragraph 153 explains that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” (VSC) 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.

12. Paragraph 154 of the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Buildings for agricultural and forestry;
  - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) Limited infilling in villages;
  - f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
  - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
13. By virtue of paragraph 154 of the NPPF, 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.
14. Furthermore, Paragraph 154 exception (h) of the NPPF also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
15. Building upon paragraph 154 is paragraph 155 of the NPPF, which enunciates that a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
16. The guidance stated within paragraphs 156 to 157 are not applicable to the determination of this application.
17. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm.
18. As part of their submission the applicant has not provided any additional information which would amount to VSC.

#### Assessment Against Exception (g)

19. Both the applicant's agent and the case officer agree that the only relevant exception of paragraph 154 of the NPPF to assess the proposal against is exception (g). The exception under part (g) allows for the partial or complete redevelopment of Previously Developed Land (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.
20. 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.'*

21. In order to comply with the first limb of exception g) of paragraph 154 of the NPPF states that an exception maybe the "...*partial or complete redevelopment of previously developed land, whether redundant or in continuing use*". However, the definition of PDL specifically excludes '*...land in built-up areas such as private residential gardens, parks, recreation grounds and allotments*'. In *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) a Court of Appeal judge has succinctly considered the words in the above. The case involved development in a private residential garden in rural green belt. In this case the Local Planning Authority argued that all private residential gardens are excluded from the definition of previously developed land, whether or not they are in a built-up area. Any other interpretation, so it is said, would give rise to conflicting policies within the NPPF. However, the judge strongly disagreed: "*As a matter of ordinary English I cannot see that any other meaning can be given to this sentence. "Land in built-up areas" cannot mean land **not** in built-up areas*". He held that the development was in the curtilage of land that was occupied by a permanent structure (a residential garden) and as the area was rural it should be classed as previously developed land. The appeal by the Council was dismissed. Considering the above, the case officer acknowledges that the plot is outside the urban area and therefore it would not be excluded from PDL by virtue of being a private residential garden and as such the proposals complies with the first limb of exception g of paragraph 154.
22. From drawing No.001 revision A, the applicant's property is edged in blue, and the application site is edged in red. The topography of the application site is of a steady decline from the frontage.
23. 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.
24. 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 paragraph 154 of the NPPF as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal



would 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 development described.

25. According to the submitted plans these buildings serve equestrian uses. The cumulative footprint of all the outbuildings measures approximately 227m<sup>2</sup>. Moreover, the buildings on site vary in height ranging from 3.6m to 3.9m, which is exacerbated due to the difference in land levels and the cumulative volume of all the outbuildings is roughly 645.4m<sup>3</sup>. According to the submitted application forms, the application site measures approximately 1050m<sup>2</sup> and is L shaped. The boundary treatment delineating the western boundary (separating the application site from St. John's Drive) comprises mature native hedgerow. Furthermore, the western boundaries were also demarcated by mature hedgerows, which were punctuated at sporadic intervals by mature trees. The entire site is in the Metropolitan Green Belt.
26. The planning statement states that the proposal has a reduced footprint when compared to the buildings it would replace. That is found to be correct as the proposed development would decrease the built area to 177.28m<sup>2</sup> and the volume to 644.9m<sup>3</sup>. This means that the area would decrease by 21.9% and the volume by 0.07%.
27. Paragraph 154 part (g) of the NPPF states an exception may comprise an *"limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings)"*. It is accepted that the site comprises the partial or complete redevelopment of PDL. Notwithstanding the above, exception g) should be read as a whole and also goes onto to state *"... which would not cause substantial harm to the openness of the Green Belt"*.
28. Paragraph 142 of the NPPF 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 NPPF does not clearly define openness it is generally accepted from paragraph 142 that openness is a spatial designation, which can also have a visual component as attested to by various Court cases (referred to below).
29. The applicant's agent infers that the proposal would not cause demonstrable harm to the openness of the Green Belt as the development would be in PDL. 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.

30. Furthermore, in *Euro Garages Limited v SSCLG* [2018] EWHC 1753 (Admin), where the operator of a petrol filling station challenged an Inspector’s decision to refuse retrospective permission for works involving the creation of a fenced storage area on one side of the shop, where an LPG storage tank was before, along with a side extension to relocate an external ATM.
31. In respect of this case the Inspector found that the scheme would result in a 9.2% increase in floor area, and a 5% increase in volume on the existing buildings and “whilst these may be relatively small increases, the scale and mass of the resulting building would still be greater than at present”. She concluded that *“overall, I therefore consider that the scale and mass of the proposals would have a slightly greater impact on the openness of the Green Belt than the site did previously”* A lack of visibility did not, in itself, mean that there would be no loss of openness and “moreover, even a limited adverse impact on openness means that openness is not preserved”.
32. The Court held that *“the only basis on which the Inspector could have reached that conclusion was if she considered that the greater floor area and/or volume necessarily meant that there was a greater impact”*. The flaw in that reasoning was that under the policy *“any infill (however limited) would necessarily result in greater floor area or volume” but it should “not be assumed, as the Inspector appeared to, that any change would have a greater impact”*. She ought to have specifically considered *“the impact or harm, if any, wrought by the change”*.
33. 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.

34. 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 and height.

35. The case officer acknowledges the revision of the National Planning Policy Framework (NPPF) in December 2024. While certain relaxations have been introduced regarding development within the Green Belt, the fundamental principle remains that inappropriate development should be refused due to its detrimental impact on the openness of the Green Belt, both spatially and visually, unless there are strong mitigating circumstances. Paragraph 154, exception g) of the NPPF, which provides exceptions to this principle, explicitly states: *“limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use, including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*

36. A critical material planning consideration is whether the proposal would result in ‘substantial’ harm to the openness of the Green Belt. However, the term ‘substantial’ is not defined within the NPPF, and as such, it is subject to interpretation. In light of this, the case law referenced within the report remains highly pertinent, as it provides essential guidance on assessing openness, considering factors such as footprint, volume, height, and other physical characteristics of the development. The case officer asserts that these factors, in conjunction with other material planning considerations, are of utmost importance in determining whether a proposed development would result in an adverse impact on the openness of the Green Belt. Therefore, the application of this case law is wholly appropriate and directly relevant and consistent with the decision-making process in this case.

37. Overall, in conclusion, in terms of the openness of the Green Belt, the proposal involves the demolition of multiple buildings distributed across the application site, to be replaced by the construction of a single-storey detached dwelling. This consolidation of built form results in a reduction in the overall spatial extent and visual prominence of development within the Green Belt. The removal of existing structures, which currently contribute to the built-up character of the site, coupled with the proposed low-rise, single-storey dwelling, will substantially

reduce the massing and spread of development. Consequently, the visual and spatial impact on the openness of the Green Belt will be materially and demonstrably diminished. The proposed development is considered to be consistent with the guidance outlined in the National Planning Policy Framework (NPPF), which seeks to maintain the openness and integrity of the Green Belt.

#### Other Matters

38. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
39. An important material planning consideration is exception b of paragraph 155 which states that development within the Green Belt for homes, commercial and other development within the Green Belt should not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed. Unmet need is further explained in the footnote, which states the following *"in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years"*.
40. The proposal posits the demolition of outbuildings and replacing them with 1No. detached single-storey dwelling. According to the recent Annual Monitoring Review for Rochford Council, it states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1No.) and as such if the proposal is permitted it would contribute to the existing shortfall. Consequently, the proposal will have a positive impact on housing land supply and in the opinion of the case officer exception b of paragraph 155 is relevant and engaged.

#### Sustainability

41. 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.
42. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:

- (vii) is well related to a defined residential settlement;
- (viii) is well related to local services and facilities;
- (ix) has good connections to the strategic road network;
- (x) would promote sustainable transport modes;
- (xi) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (xii) is located within the South Essex Coastal Towns landscape character area.

43. In terms of the site being well located to services and facilities, the nearest convenience store is 850m away. 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. Although 850m is more than the required 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.

44. The bus stop is 400m away from the application site at the A129 highway which connects Wickford with Rayleigh. The site benefits from good highway connections.

45. 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.

46. The agent has posited that the proposal would provide a small improvement to the housing stock to assist RDC continue their 5-year housing supply and the 6–10-year supply targeted by the Local Authority. 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.

47. The agent has also inferred that the proposal would take design and aesthetic cues from the agricultural heritage of the area as well as the traditional form of the equestrian buildings it replaces. In the opinion of the case officer, any development should be sensitively landscaped so that it fits into the local environment and this is not a sufficient justification on its own to warrant an approval.

## Design

48. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The framework encourages the

effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

49. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
50. Whilst the National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
51. Moreover, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (paragraph 139).
52. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.
53. The redevelopment of a site, especially where it forms a significant part of local character and where the development and subdivision of plots would disrupt the grain of development will be considered unacceptable. Based on the submitted plans and supporting documents the applicant is proposing to erect 1 No. detached dwelling which would have be 'L' shaped and a detached garage. According to the submitted layout plan the proposed dwellinghouse will be constructed on the footprint of the existing outbuildings (albeit it will occupy a smaller footprint).
54. 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.

55. The proposed dwelling would be 13.04m in total length with a width of 15.74m to a height of 4.5m. The proposed dwelling would be L shaped and have a separated gable roof with a flat element towards the middle. The proposed garage would 8.11m in width by a length of 6.5m to a height of 4.5m. The garage would have a gable roof.
56. The proposed development would use decorative brickwork and vertical rainscreen cladding for the walls, slate tiles for the roof. The windows and doors would use thermally broken aluminium framed system with IGU. The proposed driveway would be built of permeable resin bonded parking areas with block or inset edging.
57. The area is generally open as it is in the Green Belt with low housing density. The area is characterised by an array of 1 and 1.5 storey buildings with spacious plots and various design. Given that the proposed dwelling would be single-storey and would retain the spacious nature of the site, it is considered to be acceptable.
58. Overall, it is considered that the design of the proposed dwellinghouse and garage is quite modern and contemporary in nature, due to its relatively low height it 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. The area 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

59. 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.



60. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
61. It is noted that the proposed dwellinghouse will have apertures on all of its elevations which will serve habitable rooms. Nonetheless, it is considered given the scale and nature of the proposal and due to the separation distances between the proposed development and the surrounding residential dwellings in addition to the boundary treatment, the proposal will not significantly impact on the residential amenity of neighbouring occupiers by way of overbearing impact, overlooking or overshadowing. Moreover, it is noted that no letters of objection have been received from any of the neighbouring properties in relation to the proposal, and whilst not a determinative factor it is an important consideration.
62. 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 Sizes

63. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
64. The SPD2 requires a minimum of 100m<sup>2</sup> of 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 m<sup>2</sup> minimum.
65. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of 100m<sup>2</sup>. The proposed dwelling, therefore, could satisfy the outdoor amenity space requirements set out in the SPD2.

66. If planning permission is approved for the proposed dwellinghouse following the severance of the garden will result in The Retreat retaining a private amenity space in excess of 600m<sup>2</sup>. Therefore, it is considered that the proposal would not result in a cramped form of development and would be compliant with the requirements of SPD2.

#### Technical Housing Standards

67. The Ministerial Statement of the 25th of 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.
68. 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.
69. 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.
70. A single storey dwelling which would comprise three bedrooms accommodating either five or six people would require a minimum Gross Internal Floor Area (GIA) of 86m<sup>2</sup> or 95m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2.5m<sup>2</sup> of built-in storage. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 145.13m<sup>2</sup>, and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.
71. The table below shows the Gross Internal Floor area for each of the bedrooms in the main dwellinghouse (all measurements are approximate).
72. The table below shows the Gross Internal Floor area for the proposed bedroom.

Bedroom No.1 (Master)	14m <sup>2</sup>
Bedroom No.2	8.35m <sup>2</sup>
Bedroom No.3	14.50m <sup>2</sup>

73. 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.

74. 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.
75. 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.

#### Refuse and Waste Storage

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

#### Impact on Highway Safety

77. Policies DM1 and DM3 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.

78. Essex County Council Parking Guidance (2024) requires that development provide off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application is deemed to have 'very low' connectivity and therefore for a 3- bedroom dwelling, 2No. parking spaces are required.
79. In accordance with paragraph 116 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
80. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. Colleagues in Essex County Council Highway Authority have been consulted regarding the application and raised no objections subject to conditions imposed relating to the provision of cycle parking and the protection of the public footpath No.21.
81. In light of the above, Essex County Council Highways have raised no objection to the proposed development. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of one dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Consequently, it is 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 on parking or access grounds.

#### Landscape

82. 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.”*

83. There are numerous trees on the application site. The arboriculture officer was consulted and responded as follows:

*“I am happy with the suggested tree works – removal of T5 silver birch, its obscured from view and has a misshapen crown, replacement mitigation (location as per the tree protection plan) is sufficient to restore loss.*

*The tree protection plan demonstrates how the tree amenity will be protected during the intensive demolition and construction phase, this should form part of the approved plans if minded to approve the planning.*

*As per the AIA table 2 – RDC will require details that the tree protection has been installed correctly.”*

84. The case officer agrees with the recommendation of the arboricultural officer and will condition the tree protection measures accordingly, should planning permission be approved.

#### Flooding and Drainage

85. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such the development is compatible with the advice advocated within the NPPF.
86. A Flood Risk Assessment prepared by Waterco in December 2024 was submitted by the applicant due its close proximity to flood zones 2 and 3. The FRA recommends setting the finished floor levels to a minimum of 14.85m AOD.
87. A foul drainage assessment form was submitted by the applicant and it indicates that the drainage system would meet the requirements of the General Binding Rules for small sewage discharges.
88. 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, in the event that planning permission is approved, it is considered reasonable to attach a condition to the Decision Notice

requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Biodiversity Net Gain

89. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
90. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
91. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and get the condition discharged prior to commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
92. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
93. In this case the developer has indicated that the statutory biodiversity gain condition would apply and officers agree.
94. The legislation requires that some BNG information relating to pre-development habitat at the site is submitted with a planning application in order that the application can be validated. The applicant has submitted this required information. The Essex County Council Place Services ecology team have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised in this report.
95. Officers are satisfied that the required pre-decision BNG information has been submitted and as the proposal is for development to which the statutory biodiversity gain condition would apply, recommend a planning condition to advise any future developer of the need for them



to discharge the statutory gain condition prior to the commencement of development.

#### On-site Ecology

96. 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.
97. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
98. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
99. To accompany their planning application the applicant has submitted a bat survey report following the request from the ecological officer. The report was produced by Serious Natured dated 01 June 2024. The report reaches the following conclusions:
100. From the two emergence surveys undertaken on the 7<sup>th</sup> of May and 3<sup>rd</sup> of June 2024, common pipistrelle and noctule species were recorded foraging and traversing on site and in the immediate landscape.

101. The report makes the following recommendations which include:

- That any lighting on site is not directed up and outward but rather pointed down, direct, low lux, and if possible, and motion sensor and for pollution preventions to be in place to ensure that no spills, debris, or materials enter the boundary areas.
- Bat roosting boxes to be installed within the site to provide additional roosting opportunities.

102. The ecological officer had a holding objection from their response dated 21 January 2025 owing to insufficient information on protected species but was satisfied with the provided BNG information. A bat survey report produced by Serious Nature dated 1 June 2024 was submitted on the 28<sup>th</sup> of January 2025. The ecological officer was reconsulted following the submission of the bat survey report and removed their holding objection, subject to conditions as sufficient information was provided. Upon review of the bat survey, the case officer considers the survey to be acceptable and the recommended actions will be secured by appropriately worded conditions.

103. It is considered that the proposal will not have a detrimental impact on protected species. The case officer agrees with the conclusions reached by the Council's ecologist and considers it reasonable to attach a condition relating to a biodiversity enhancement strategy for protected, priority and threatened species.

#### Off-site Ecology

104. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 new dwelling.

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

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

- No

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

- No

106. 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.

107. 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.

#### Equalities and Diversity Implications

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

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

- To foster good relations between those who share a protected characteristic and those who do not.
109. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
110. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **CONCLUSION**

111. Approve.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rawreth Parish Council : No reply received.

Rochford District Council Arboricultural Officer: No objections the tree protection plan demonstrates how the tree amenity will be protected during the intensive demolition and construction phase, this should form part of the approved plans if minded to approve the planning.

As per the AIA table 2 – RDC will require details that the tree protection has been installed correctly.

Essex County Council Highways Authority: No objections subject to conditions imposed pertaining to the provision of cycle parking and the protection of the public footpath No.21.

Essex County Council Place Services Ecology: No objections subject to the imposition of conditions relating to that the development shall accord with the ecological appraisal, habitat management and monitoring plan, biodiversity enhancement strategy and the bio-diversity net gain informative.

Neighbour representations: No responses received.

## **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ENV9, T3, T6.

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

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

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

The Essex Design Guide (2018).

Natural England Standing Advice.

**RECOMMENDATION:**

Approve.

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans: 001 Revision A (Existing and proposed location plan), 303 (Proposed ground floor layout plan), 301 (Proposed floor plan), 302 (Proposed roof plan), 304 (Proposed elevations).

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

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 the first occupation of the development, details of the positions, design, materials and type of boundary treatment to be erected shall be 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. The development hereby permitted shall be carried out in accordance with the recommendations and enhancement measures set out in the Flood Risk Assessment prepared by Waterco, dated December 2024, unless otherwise agreed in writing with the Local Planning Authority. All mitigation and management measures to address the risk of flooding, as detailed in the report, shall be implemented in full prior to the commencement of the development and maintained throughout the lifetime of the development, unless first agreed in writing with the Local Planning Authority.

REASON: To manage the risk of flooding and ensure that appropriate flood mitigation measures are in place to protect the development and surrounding area.

7. Prior to the commencement of the development, the applicant shall submit details to the Local Planning Authority for the Foul and Surface drainage of the development hereby approved. The development shall be implemented in accordance with such details as may be agreed.

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

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 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 maintaining the open character of the green belt given factors taken in to account by removal of existing built forms that have favoured the granting of permission.

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

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

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

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

10. No demolition, ground works or construction shall take place at the application site until a tree protection plan and arboricultural method statement have been supplied to and approved in writing by RDC, the details shall include construction methods of the access within the RPA. The details shall be carried out in accordance with BS 5837 2012. The development shall be carried out in accordance with those details agreed. The tree protection methods as agreed shall be retained until all building materials have been cleared from the site.

REASON: To ensure that the development does not impact upon the trees to be retained on site, in accordance with Policy DM25.

11. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (produced by Serious Nature and dated March 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

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

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

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

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

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

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

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

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Serious Nature, March 2024) shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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