



PLANNING APPLICATIONS WEEKLY LIST NO.1757
Week Ending 16th May 2025

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 27 June 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **21st May 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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- 1. Recommended Refuse - 25/00003/FUL - Land Adjacent 186 Down Hall Road Rayleigh PAGES 2-24
- 2. Recommended Approve – 25/00810/FUL - Stables Rear Of Willow Lodge Lower Road Hockley PAGES 25-47

Application No :	25/00003/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Downhall And Rawreth
Location :	Land Adjacent 186 Down Hall Road, Rayleigh.
Proposal :	Proposed 4-bedroom dwelling and provision of additional new vehicular access off Down Hall Road to serve No. 186 Down Hall Road.

SITE AND PROPOSAL

1. The application site is situated on the eastern side of Down Hall Road, within the established settlement boundary of Rayleigh. The surrounding locality is residential in character, exhibiting a varied and incrementally developed streetscape.
2. The built form in the vicinity comprises a broad range of residential typologies, including single-storey bungalows, chalet-style dwellings, one-and-a-half storey properties, and both detached and semi-detached two-storey houses. The architectural composition of the area is notably diverse, with properties incorporating features such as projecting gables and dormer windows set beneath both pitched and flat roofed forms. The resultant roofscape is irregular and visually varied, characterised by a combination of hipped and gabled roof structures.
3. The palette of materials evident within the surrounding built environment is equally eclectic, comprising rendered finishes, facing brickwork in a variety of colours and textures, and elements of cladding, all typically completed with concrete tiled roofs. This mixture of forms, styles, and materials contributes to a heterogeneous yet coherent residential character.
4. The application site itself forms part of the curtilage of No. 186 Down Hall Road, a two-storey detached residential dwelling. Full planning permission is sought for the erection of a detached two storey dwellinghouse and revised access the existing dwelling No. 186. The proposed development will require the subdivision of the plot, and the proposed development will be constructed in the side garden of this property (No.186). The site comprises a relatively level and regularly shaped parcel of land situated to the side (south) of the host dwelling. The front elevation of the proposed dwellinghouse will face Down Hall Road, with access directly off. According to the submitted plans the private amenity space severing the proposal will be situated conventionally towards the rear.

RELEVANT PLANNING HISTORY

5. No relevant planning history pertaining to this site.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

8. The National Planning Policy Framework (NPPF) was revised in December 2024 and encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
9. The NPPF also advises that planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and

- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
10. 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.
11. 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 infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached houses 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 plot boundaries.
12. Policy CP1 of the Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
13. The site is located wholly within the settlement boundary of Rayleigh. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

Housing Land Supply

14. 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.

15. According to the submitted plans the proposal proposes the severance of a portion of the applicant's curtilage for the construction of a detached two-storey dwelling. The recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1No.) and as such if the proposal was permitted it would contribute to the existing shortfall, which is an important material planning consideration that cannot lightly be put aside.

Design

16. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
17. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
18. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
19. 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.

20. 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.
21. The surrounding area is characterised by a variety of housing types which includes bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey detached and semi-detached properties, some of which incorporate projecting gables, flat roofed and/or pitched roofed dormer windows. Furthermore, the roofscape is heterogenous with a mix of hips and gables. 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.
22. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
23. The footprint of the proposed dwellinghouse is roughly elongated rectilinear in shape with a projecting gable element on the front elevation and a flat roof single storey outrigger on the rear elevation. The proposed dwellinghouse will measure approximately 13.38m deep by 6.68m wide (measured at the widest points) and would be 5.23m high to the eaves and 8m high to the apex (ridge) of the roof. The proposed dwellinghouse would be constructed out of a simple palette of materials utilising facing brick and render under a concrete interlocking tile roof.
24. The proposed development fails to meet the minimum site frontage guidance as set out in Paragraph 5.2 of the Council's Supplementary Planning Document 2: Housing Design (SPD2), which advises that new residential plots should ordinarily have a minimum site frontage of 9.25m. This standard is intended to ensure that new dwellings are capable of being appropriately sited and proportioned within their plots, maintaining the prevailing character and rhythm of the surrounding street scene.
25. According to the submitted plans and accompanying Design and Access Statement, the application asserts that the proposed development has a frontage width of approximately 11.5m. However, on closer inspection, this width exists only at a narrow sliver of the site, and within a depth of less than 500mm from the street. The site narrows to just 8.42m. It is the Local Planning Authority's assessment that the claimed frontage dimension is misleading and appears deliberately contrived to give the impression of compliance with the SPD guidance. The actual usable site width is materially below the recommended standard, with a shortfall of approximately 830mm.

26. While SPD2 is acknowledged as guidance rather than rigid policy, and it is recognised that there are some variations in frontage widths among existing properties in the vicinity (e.g., No. 159 at 9.02m, No. 178 at 7.7m, and No. 147 at 8.25m), the application site presents a unique case due to the degree of narrowing and constrained configuration. The proposed development would occupy a plot that is visually and functionally narrower than the apparent frontage implies. This restricted width introduces a sense of overdevelopment, resulting in a tight, congested layout with minimal space between the dwelling and side boundaries (approximately 300mm to one side and 900mm to the other) contrary to the provisions cited with SPD2. Such minimal separation distances provide little visual or spatial relief between buildings and contribute to a cramped form of development that is not in keeping with the established pattern of development along this stretch of Down Hall Road.
27. Furthermore, the tight plot width compromises the ability to deliver a high-quality setting for the new dwelling. The limited space has a knock-on effect on the functionality and visual appearance of the frontage, particularly in relation to the proposed provision of two car parking spaces. There is concern that, given the restricted width, adequate space for car parking, pedestrian movement, and soft landscaping cannot be successfully accommodated without creating a visually cluttered and unsatisfactory streetscape.
28. The cumulative effect of the site's constrained width, the contrived presentation of the frontage, and the resulting cramped layout would produce a form of development that appears at odds with the prevailing more spacious character of the surrounding area. The proposal fails to contribute positively to the local context, contrary to the aims of Policy DM1 which seeks to ensure development is well integrated with the existing built form and reflects local character and distinctiveness.
29. Moreover, the proposal conflicts with the design objectives set out in the National Planning Policy Framework (NPPF), which infers that developments should be sympathetic to local character, create places that are visually attractive, and function well over the lifetime of the development. In this case, the proposal fails to meet those tests.
30. For the reasons outlined above, the proposal represents an inappropriate and unsympathetic form of development that would detract from the established character of the area and fail to achieve high-quality design. As such, this will form a reason for refusal.
31. The building line in this section of Down Hall Road is notably staggered and unregimented, with individual properties varying in their positioning relative to the street. Despite this, the proposed dwelling would align approximately with the front elevations of the adjacent properties at

numbers 186 and 184A, ensuring that the proposal maintains visual coherence within the street scene. The dwelling would be set back approximately 9m from the front boundary of the site, providing a buffer zone that accommodates an area of hardstanding, for parking.

32. In terms of massing, density, and architectural form, the proposed development is consistent with the prevailing character of the locality, ensuring it aligns with the principles set out in Policy H1 of the Core Strategy, which promote residential developments that respect the local context. However, the proposal demonstrates that the quantum of development would be inappropriately scaled for the site, thereby in conflict with both the quantitative and qualitative aspects of local planning policy.
33. As previously stated, the application site is part of the side garden of No.186 Down Hall Road, which is currently undeveloped and does not contain any built structures. The proposal involves severing this plot of land to accommodate the new dwellinghouse. The site is flanked by a two-storey detached property to the south, No.184A, and a detached dormer bungalow to the north, No.186, which is also the applicant's dwellinghouse. The surrounding street scene is characterized by a mix of semi-detached and detached bungalows, as well as two-storey properties, contributing to a varied yet cohesive residential environment.
34. The adjacent property No.184A has a maximum ridge height of 8m, while No.186 has a ridge height of 7.8m. The proposed dwellinghouse is designed with a maximum ridge height of 8m, meaning it will be of a similar scale to the adjacent properties. This is a crucial aspect when considering the visual impact of the new development on the surrounding area. The relatively uniform height between the proposed dwelling and the existing properties helps ensure that the new dwelling will not disrupt the established street scene, as the ridge heights are consistent with those of neighbouring buildings. Furthermore, this comparable height contributes to a sense of continuity in the area.
35. The case officer's analysis takes into account not just the ridge height but the overall architectural context of the area. The surrounding mix of bungalows and two-storey houses indicates a degree of flexibility in terms of building heights, with no dominant architectural style or uniformity in ridge heights across the street. This diversity in building forms and heights suggests that the introduction of a new dwellinghouse with a ridge height similar to its neighbours will not appear intrusive or disproportionate within the streetscape. Additionally, the positioning of the proposed dwelling on the severed plot is critical in ensuring that it complements the established rhythm of spacing and massing in the area.

36. In conclusion, the case officer is of the opinion that the proposed dwellinghouse, with its ridge height of 8m, will not appear overly dominant or out of place within the existing streetscene.
37. The overall design of the proposed dwellinghouse adopts a modern and contemporary approach, featuring a combination of white render and facing brickwork, with the latter approximately 1m high. The front elevation includes a projecting gable element, which serves to break up the scale and massing of the building, adding visual interest and reducing any sense of bulk. The roof of the dwelling is hipped, further contributing to the reduction in scale and massing, helping the property to fit more comfortably within the surrounding built environment.
38. The street scene in the area is diverse in terms of architectural style and materials, meaning that the choice of materials for the proposed dwelling—such as the rendered finish and brickwork—will not appear alien or out of place within the context of the existing properties. The proposed dwelling incorporates a variety of window apertures, which serve to break up the mass and bulk of the building, making it visually more appealing and less monotonous. On the front elevation, the fenestration is carefully arranged to create both vertical and horizontal emphasis, contributing to a balanced and harmonious facade.
39. The south-facing flank elevation will feature two apertures at ground floor level, one will serve a W.C. and the remaining aperture will serve the family room, while the opposing flank elevation will have two apertures— both of which are located at first floor level. The first-floor windows will serve the family bathroom and an en - suite. This thoughtful arrangement of apertures helps to reduce the dominance of the render and would ensure that the building does not appear too plain or stark.
40. The rear elevation of the property continues the theme of balanced fenestration, with a strong emphasis on both vertical and horizontal window placements. This attention to detail in the design of the windows throughout the building serves to further break up the mass of the structure and enhance its visual appeal, ensuring that the dwelling is both attractive and in keeping with the character of the area. Overall, the design of the dwellinghouse has been carefully considered to ensure that it integrates seamlessly into the streetscape, balancing modern aesthetics with the surrounding architectural context.
41. The internal accommodation of the proposed dwellinghouse at ground floor level will comprise 2No.stores, w.c., hall, open plan kitchen family room and a formal lounge. Whilst the first-floor accommodation will comprise 4No. bedrooms (the master being en-suite) family bathroom and storage cupboard.

Impact on Residential Amenity

42. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in 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.
43. 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.
44. It has been accepted 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.
45. Para 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
46. The application site is flanked by two neighbouring properties. The application site is adjoined by No. 184A Down Hall Road to the south and No. 186 Down Hall Road to the north. Directly to the front of the application site are Nos. 155 and 157 Down Hall Road. The subject site backs onto No. 20 Hambro Avenue.
47. Situated on the opposing side of Down Hall Road from the subject site are Nos. 155 and 157. It was observed that the front elevations of these properties face Down Hall Road. According to the submitted site plan there is a distance in excess of 25m separating these properties from the subject site (as measured from front elevation to the opposing front elevation). It is acknowledged that the front elevations of these properties and the proposed dwellinghouse will directly overlook the public realm and are thus open to public gaze.

48. Located to the rear of the proposed dwellinghouse is No.20 Hambro Avenue. According to Paragraph 1.92 of the Essex Design Guide (2018), a separation distance of 25m should be maintained between the private rear elevations of neighbouring dwellings where habitable rooms are located. The case officer has measured the interface distance between the rear elevation of the proposed dwellinghouse and the rear elevation of No.20 Hambro Avenue, and this distance exceeds 28m, comfortably surpassing the recommended minimum. As a result, the proposal is considered to comply with the guidance regarding separation distances.
49. Given this substantial separation, the case officer concludes that the proposal is unlikely to result in any significant overshadowing or, due to the positioning of the properties, appear overbearing to the occupants of No.20 Hambro Avenue. The increased distance between the rear elevations reduces the potential for any adverse impact on the residential amenities of the neighbouring property, such as a loss of privacy or light. While the case officer acknowledges that there may be a marginal impact, it is deemed minimal and not significant enough to justify a refusal of the application. Therefore, the proposal is considered to have an acceptable impact on the residential amenities of the occupiers of No.20 Hambro Avenue.
50. Generally, side windows in residential areas are often overshadowed due to the close proximity of neighbouring properties. However, during the site visit, the case officer observed that there was a window on the flank elevation of the neighbouring property, No.184A Down Hall Road, at first floor level and another window at ground floor level. The first-floor window appeared to serve a bathroom, as it was obscurely glazed. The case officer could not ascertain what the room the ground floor aperture serviced. The case officer noted that no other apertures were present on the flank elevation of this property.
51. According to the submitted plans, the proposed dwellinghouse will feature two apertures on its flank elevation facing No.184A. One of these windows will serve a W.C., which is a non-habitable room and thus not typically considered as sensitive to privacy concerns. The other window will be located on the side return of the proposed single-storey outrigger, attached to the rear elevation of the dwellinghouse, and will serve the family room. The proposed outrigger is shown to be situated approximately 3m from the shared boundary with No.184A.
52. The case officer has assessed the impact of the proposed development on the neighbouring property, particularly in relation to the 45-degree guidance, which helps to ensure that the development does not unduly affect light or create a sense of enclosure. Based on the design of the proposal and the spacing, the case officer notes that the development will not breach the 45-degree guidance, suggesting that there will be no significant loss of light or overshadowing. Furthermore, the articulated design of the property, including the orientation and placement of

windows, is such that it will not have a notable impact on the private amenity space of No.184A.

53. In light of these factors, the case officer believes the proposed dwellinghouse will not have a significantly overbearing impact or result in a significant loss of privacy for the occupants of No.184A. However, to address any potential concerns regarding privacy or overlooking, the officer considers it prudent to attach a condition relating to the boundary treatment. This would help mitigate any negative impacts from the apertures, particularly the window serving the family room and to ameliorate any concerns relating to the ground floor aperture on the flank elevation of 184A. Overall, the case officer concludes that the proposed development will not cause significant issues with regard to loss of light, privacy, or overbearing impact on the neighbouring occupiers at No.184A Down Hall Road.
54. Turning to the potential impact of the proposed development on the adjacent property, No.186 Down Hall Road, the case officer has carefully considered several factors related to privacy, light, and overbearing impact. According to the submitted plans, the proposal does not breach the 45-degree guidance applied in relation to No.186, which is a crucial assessment tool used to evaluate whether a development would result in significant overshadowing or an overly dominant presence. The 45-degree guidance ensures that there is sufficient separation between properties to avoid blocking light to habitable rooms and to prevent a development from feeling intrusive. In this case, the proposal complies with this guidance, suggesting that the development will not cause significant loss of light to the neighbouring property.
55. Notwithstanding the above, during the site visit, the case officer observed that there are several apertures on the flank elevation of No.186 facing the application site. At ground floor level, there is a secondary window serving a sitting room and a personnel door leading to a utility room. These openings are not primary windows for habitable spaces, so they are less sensitive to any potential loss of privacy or light. However, at first floor level, there are two large apertures that appear to serve a bedroom. The case officer notes that the primary window for this bedroom is located on the rear-facing elevation of No.186, which will remain unaffected by the proposal, ensuring that the bedroom continues to receive adequate light and ventilation.
56. A key concern in assessing the impact of the proposed dwellinghouse is the proximity of the two properties, with a distance of approximately 1.2m separating the flank elevation of No.186 from the flank elevation of the proposed dwellinghouse, as shown on plan reference 203 Revision P02. The case officer noted that, although this separation is relatively small, the proposed development would feature two apertures on the flank elevation facing No.186: these two apertures will be situated at first floor level. It is important to note that neither of these

windows are primary windows serving habitable rooms. Specifically, the two first-floor windows will serve non-habitable rooms—one serving a bathroom and the other an en-suite. The positioning and function of these windows are significant, as non-habitable rooms are generally less sensitive to privacy concerns and are unlikely to create issues with overlooking.

57. Nevertheless, in response to the potential for privacy concerns, the case officer recommends attaching a condition to ensure that the two first-floor side windows are obscurely glazed and fixed shut below a height of 1.7m. This would mitigate any potential overlooking of the private amenity space of No.186 and help protect the privacy of its occupants. Additionally, as side windows in residential areas are often overshadowed due to the close proximity of neighbouring properties, the case officer considers it prudent to impose a condition relating to boundary treatment. This could involve the installation of additional screening or other measures to reduce the potential for direct views between the two properties, further enhancing privacy.
58. The primary concern raised by the case officer is the potential for an overbearing impact due to the close proximity of the proposed dwellinghouse to No.186. However, this is a finely balanced issue. While the proposed development is close to the neighbouring property, the primary window serving the bedroom at No.186 remains on the rear elevation, which is not obstructed by the proposed dwellinghouse. This ensures that the bedroom will continue to receive adequate daylight, which is a critical factor in assessing whether a development would result in an overbearing impact.
59. Whilst the case officer acknowledges concerns regarding the proximity and the potential for some overbearing impact, it is determined that these concerns are not significant enough to justify a refusal of the application. The separation distances and the thoughtful design, including the orientation of windows and the non-habitable use of some of the proposed windows, ensure that the proposal will not result in a substantial loss of light, privacy, or create an overbearing presence. The officer also considers that the rear-facing window of No.186, which serves the bedroom, remains unobstructed, and the daylight received by this window will not be adversely affected. The windows which will be affected by the proposal are secondary windows located on the flank elevation of No.186.
60. Therefore, despite the close proximity of the proposed dwellinghouse in relation to No.186, the case officer concludes that the impact on the residential amenities of No.186 is minimal and that the proposal will not result in a significant loss of light, privacy, or create an overbearing impact. The officer considers that the factors cited above, including compliance with the 45-degree guidance, separation distances, the careful design of the windows, and the potential for mitigating measures such as boundary treatment, are sufficient to justify the

approval of the application. As such, the case officer concludes that the proposal would not result in any significant adverse impacts on the neighbouring property, and the reasons for refusal would not be substantiated at any subsequent appeal.

61. Overall, 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.

Living Conditions of Future Occupiers

Garden Size

62. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
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 dwelling house. Paragraph 130 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. Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroomed dwellings where a minimum private garden area of 50 m² would be required. The proposed development would provide 1 No., four bedroomed dwelling. According to the submitted layout plan (ref: 203 Revision P02) the proposal would have a private amenity of 100m², which would satisfy the outdoor amenity space requirements, as set out in SPD2.
65. Furthermore, as the plot is being severed, the existing property (No.186) would have a private amenity space of 188m², which is in accord with guidance advocated within the SPD.

Sustainability

66. 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.

67. 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.
68. 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.
69. A two storey dwelling which would comprise of four bedrooms accommodating either five or six people would require a minimum Gross Internal Floor Area (GIA) of 97m² or 106m², respectively. Additionally, the dwelling must have a minimum of 3m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellings will measure approximately 121m² and exceed the minimum requirements.
70. The table below shows the Gross Internal Floor area for each of the bedrooms.

Bedroom No.1	11.5m ²
Bedroom No.2 (Master)	11.2m ²
Bedroom No.3	8.5m ²
Bedroom No.4	7.6m ²

71. The storage area indicated on the submitted plans amounts to approximately 2.9m². of storage space which is not in accord with the aforementioned guidance; however, the proposal substantially exceeds the recommended minimal GIA for a four bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.
72. 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.

73. 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.

Drainage

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

Flooding

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

Refuse and Waste Storage

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 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.
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 4- bedroomed 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 for the proposed dwelling at the required dimensions as stated in the EPOA parking standard. Properties of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted numerous neighbouring properties have hard-surfaced their frontages in order to provide vehicular parking. A recent update to the NPPF (2024) and the introduction of associated design guidance, have emphasised the use of soft landscaping ensuring that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition relating to soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
81. Notwithstanding the above, the case officer considered it prudent to consult colleagues in Essex County Council Highways Authority regarding the proposal and they state that:
- "This proposal includes subdivision of the site and provision of a new detached dwelling. A new vehicle access is required for the host dwelling, and off-street parking is included for each dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable".*
82. The Highways Engineer goes on to state that they have no objections to the proposal subject to conditions relating to no unbound materials, each dwelling to have 2No. off street car parking spaces, cycle parking facilities, construction management plan, new access to be constructed

at right angle to highway boundary and details of root protection measures for the adjacent tree, residential travel information pack, and standard informatives.

83. In conclusion, the Highways Authority has reviewed the submission information and conclude there would be no unacceptable impact on highway safety or a severe impact on congestion. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of 1No. additional dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Overall, it considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Trees

84. 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.’

85. In order to support their application the applicant has submitted an Arboricultural Report (revision 1) produced by Andrew Day Arboricultural Consultancy and is dated 7th February 2025. The report reaches the following conclusions:
- The proposal can accommodate the retention of T1. The existing hard surface will be retained so there will be no direct impact on the roots in the RPA.
 - Gravel will be used as the finished surface, laid on top of the existing hard surface.
 - Protection fencing will be set up as shown on the tree protection plan. No mixing or storage of materials will be allowed in the RPA.
 - The tree can be sufficiently protected during construction activities.
86. The case officer considered it prudent to consult the Councils arboricultural officer who stated that he had *“No objections. The Walnut*

tree to the front of the site is a low value tree (cat C), it has been previously reduced/topped and will require cyclical management, the longer term visual amenity value provided is therefore limited”.

87. The case officer agrees with the conclusion reached by the Councils Arboriculturist. In order to protect the tree a condition relating to tree protection measures will be attached to the decision, in the event that planning permission is approved.

On-site Ecology

88. The NPPF 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.
89. 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.
90. 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.
91. The case officer notes that no ecological appraisal has been submitted with the application. However, the site comprises maintained domestic garden featuring mown lawn including various shrubs and plants and areas of hardstanding. Consequently, given the aforementioned factors it is therefore unlikely to support protected species.

92. Notwithstanding the above, the case officer considered it prudent to consult with colleagues Essex County Council Place Services Ecology who confirmed that *"We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to assess the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps and aerial imagery.*

We have also reviewed the information submitted relating to mandatory biodiversity net gains. We note that the property recently had a planning application for an extension (22/00593/FUL) which was approved and as part of this most of the garden and boundary vegetation was cleared in 2022.

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

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

Off Site Ecology

93. 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.
94. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

95. 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.

96. 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.

BNG

97. 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.

98. 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.

99. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

100. 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.
101. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
102. 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

103. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Rochford District Council Arboricultural Officer: No objections. The Walnut tree to the front of the site is a low value tree (cat C), it has been previously reduced/topped and will require cyclical management, the longer term visual amenity value provided is therefore limited.

Essex County Council Highways Authority: No objections to the proposal subject to conditions relating to construction management plan, details of

vehicular access, no unbound materials, 2No. off street car parking spaces, cycle parking, residential travel information pack and standard informatives.

Essex County Council Place Services Ecology: No objections subject to the imposition of a condition relating to biodiversity enhancement strategy.

Neighbours representations:

4 responses have been received from the following addresses:

Downhall Road: 157, 188.

Teignmouth Drive: 4 (2 letters received)

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

- There will not be sufficient space (if more than one vehicle) for drivers to turn around so they do not reverse out into Downhall Road. Over the years (there have been several accidents at this spot, vehicles reversing out onto Downhall Road will result in increased risk as they will be right opposite Teignmouth Drive.
- The application is over developed.
- There is history of construction site staff parking in Teignmouth Drive in recent years. We have seen the construction of 6 homes at the Hambro Hill end of Downhall Road. Using Teignmouth Drive as a car park. If the planned development goes ahead. How will the council ensure that construction site staff do not park in Teignmouth Drive?
- Would have concerns with overcrowding on what is already a busy road (several accidents have taken place over the years outside Teignmouth Drive), and given the space the new development will occupy, it will create a terracing effect.
- The site already has a large family house on it and a large structure in the garden. Building another 4-bedroom development will be a complete overdevelopment in an already built up, busy, fast and polluting traffic of Downhall Road. Lack of privacy is already a problem as every piece of land has been built on and very sadly all trees that used to be in gardens being cut down. Considering we are meant to be reducing our carbon footprint in this country.

Relevant Development Plan Policies:

National Planning Policy Framework (December 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 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

1. The proposed development by reason of the constrained plot width and configuration of the application site, would result in a cramped and congested form of development that fails to provide adequate visual or spatial relief between buildings. The limited separation distances between the proposed dwelling to the plot boundaries (approximately 300mm and 900mm) and the contrived layout of the site frontage, including the restricted space for parking and landscaping, would lead to an overdeveloped appearance that would be unsympathetic to the prevailing pattern of development along this part of Down Hall Road.

The proposal would fail to contribute positively to the local context or respect the established character of the area, contrary to part (x) to Policy DM1 of the Council's Development Management Plan, which seeks to ensure that development is well-integrated and reflects local character and distinctiveness. Furthermore, the proposal is inconsistent with the design principles set out in the National Planning Policy Framework (NPPF) which requires developments to be sympathetic to local character, visually attractive, and functional over the long term.

As such, the development would represent an inappropriate and poor-quality design response that detracts from the character and appearance of the area, failing to fit in with the layout of the site surroundings and failing to help raise the standard of design in the area contrary to paragraph 139 b) to the National Planning Policy Framework.

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

Application No :	24/00810/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley And Ashingdon
Location :	Stables Rear Of Willow Lodge Lower Road Hockley
Proposal :	Convert existing stable building into 1 bed dwelling including new fenestration with residential garden. Lay additional hard surface to extend driveway and form driveway parking.

SITE AND PROPOSAL

1. Willow Lodge is situated in the southern portion of Lower Road and approximately 278m west from the junction of Lower Road and Plumberow Avenue. It is approximately 900m north of the residential envelope of Hockley and is located in the Metropolitan Green Belt. Approximately 250m west of the application site is "The dome" permanent caravan site.
2. The surrounding area is predominantly undeveloped land and many areas seem to be made up of agricultural fields. However, there is limited sporadic residential development. To the south-east of the application site is a chalet bungalow "Highgate" further east is a detached bungalow "Rob Rosa" and beyond that "Victoria Cottage". To the south are agricultural fields and undeveloped land. There is no residential development adjacent to the application sites western boundary. To the north is predominantly agricultural land and a detached bungalow "Su Cris Lodge".
3. The application site comprises a main residential bungalow at the front of the site and there are a total of four outbuildings; one seems to be a timber barn, two are rendered and are for storage and incidental purposes and there is also a stable sited centrally adjacent to the southern boundary. The majority of the buildings are currently being used for some form of domestic storage.
4. This application seeks full planning permission for the change of use and conversion of the stable into a one-bedroomed detached bungalow. The proposed bungalow would retain the same footprint as the existing stable. The building proposed for conversion is structurally sound and is still in use to house horses and ponies as confirmed during a recent site visit.

RELEVANT PLANNING HISTORY

5. Application No.89/00608/FUL - Rear dormers – Approved.
6. Application No.00/00460/FUL - Detached Bungalow and Detached Double Garage - Refused - 19th September 2000.
7. Application No.12/00193/LDC - Application for a Certification of Lawfulness for Proposed Shed and Carport – Refused 25th June 2012.
8. Application No.12/00359/LDC - Application for a Certification of Lawfulness for Proposed Detached Shed and Carport – Approved 6th August 2012.
9. Application No.20/00049/FUL - Change of use of stable to form 1-bed bungalow – Approved 2nd April 2020.

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).

Green Belt considerations

12. 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 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.
13. 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.

14. Both policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, 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.
15. Consequently, the main issues 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.
16. As previously stated, the application site is located wholly within the Metropolitan Green Belt and 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.
17. 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" 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.

18. 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.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction; ii.
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

19. 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 (h) point iv. *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*, paragraph 154 of the NPPF.

20. Whilst it is acknowledged that the NPPF was revised in December 2024, it is the case officer’s opinion that the case law referenced and cited within this report remains both relevant and applicable. Although there have been some amendments regarding development within the Green Belt, the fundamental principle that inappropriate development should be refused due to its adverse impact on openness—both spatially and visually—remains unchanged.
21. 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:
22. 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.
23. The guidance stated within paragraphs 156 to 157 are not applicable to the determination of this application.
24. 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.

Assessment Against Exception (h)

25. As previously stated the application seeks planning permission for the conversion of an existing stable building situated to the south of Willow Lodge. The building currently serves equestrian purposes and lies within designated Green Belt
26. The proposed scheme involves the re-use of the existing building without any material alterations to its footprint, height, or external dimensions.
27. Paragraph 154(h) of the National Planning Policy Framework (2024) states that the re-use of buildings is not inappropriate in the Green Belt, provided the buildings are of permanent and substantial construction. This exception allows for such development subject to considerations of openness and the quality of the existing structure.
28. Based on a review of the submitted information and the case officer's site visit, it is evident that the existing stable is of permanent and substantial construction. The building is comprised of solid structural materials, including a durable timber frame and fixed base, and has remained in continual use for equestrian purposes. There is no evidence to suggest that the structure is temporary or insubstantial.
29. The proposal does not include any increase in the scale, height, or volume of built form on the site. There is no change proposed to the building's footprint, and no extensions are to be added. As such, the development will not have a greater spatial impact on the openness of the Green Belt than the existing situation.
30. Visually, the proposal preserves the existing form and massing of the building. The site is already enclosed to a degree by modest timber fencing and existing hedgerow boundaries. The visual containment of the site, combined with the lack of physical expansion, means the proposal will not cause harm to the visual openness of the Green Belt.
31. Relevant case law, including *Turner v SoS CLG [2016]* and *Samuel Smith Old Brewery v North Yorkshire CC [2020]*, confirms that the assessment of openness must consider both visual and spatial dimensions. In this case, the proposed conversion maintains the existing built form and results in no additional encroachment or bulk. The openness of the Green Belt is therefore preserved.
32. Taking into account the above, the proposed development complies with the requirements of paragraph 154(h) of the NPPF. The building is of permanent and substantial construction, it is to be re-used without extension or redevelopment, and it will not have a greater impact on the openness of the Green Belt.

33. In conclusion, the proposal represents appropriate development in the Green Belt under paragraph 154(h) to the NPPF and is therefore recommended for approval, subject to standard planning conditions.

Fall Back Position

34. The law on the materiality of fallback positions was summarised in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 at [27]. The fallback position of a particular site will be a material consideration where there is firstly, a possibility of implementation: this is a lower bar than a 'probability' or 'likelihood'. Secondly, whether there is a likelihood or real prospect of such occurring and thirdly that a comparison must be made between the proposed development and the fall-back use. Fall-back cases will be fact-specific, and the role of planning judgment is vital. Consideration is an exercise of broad planning discretion based on the individual circumstances of each case.
35. There is a previously approved application with the reference 20/00049/FUL for the same proposal as the current. The approval period for the previously approved application has expired and while there is no direct fall back position, the application has some material weight as the current proposal is the same as the previously approved with no deviations.

Other Matters

36. 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.
37. 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. 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 Tests was below 75% of the housing requirement over the previous three years"*.

38. The proposal would create a new dwelling form the proposed conversion. 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 1 unit) and as such if the proposal is permitted it would contribute in a minor way 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.

Sustainability

39. The Council's 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.
40. 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.
41. There are essential services and facilities in both Hullbridge and Ashingdon. The site is also within 1km of shops on Plumberow Avenue. The site is on Lower Road which provides good connectivity to the A130 and the A127. There are bus stops within a short distance of the site at The Dome to the west. Rochford, Hockley and Rayleigh are a short drive away, where trains provide access to Southend and London Liverpool Street. 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.
42. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that as a small-scale site would be capable of being delivered relatively quickly.

Design considerations

43. 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.
44. 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.
45. 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.
46. 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).
47. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 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.
48. The proposed dwelling would be finished with black painted timber boarding for the walls, black uPVC for the windows and doors and felt and tiles for the roof. Dwellings in the immediate vicinity comprise a mix of 1 and 1.5 storeys and vary in wall finishes. There is a variance of painted timber boarding and facing brick. The proposed dwelling is considered not to be a peculiar addition in the area.

49. Overall, it is considered that the design of the proposed dwellinghouse is acceptable. Due to its relatively low height and distance from the main road, it will be screened to a large extent by existing trees and buildings. 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. 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

50. 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.
51. 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.
52. The proposed dwelling would be ample distance from the closest residential dwellings. Willow Lodge is some 37m to the north or front of the proposed dwelling whilst Highgate is some 50m to the east. It is considered that the scale of the proposed dwellings and the siting in relation to neighbouring dwellings would be such that the proposal would not give rise to unreasonable overshadowing; there has been no objection on this point raised by occupants of neighbouring properties.
53. Given the distances of the neighbouring dwellings, it is not considered that any of the proposed windows would lead to a significant loss of privacy or any overlooking concerns.

Living Conditions for Future Occupiers

Garden Size

54. 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.

55. The SPD2 requires a minimum of 100m² 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 50m² minimum.
56. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of the required 50m² from the entire site. The proposed dwelling, therefore, would satisfy the outdoor amenity space requirements set out in the SPD2.

Technical Housing Standards

57. 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.
58. 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.
59. 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.
60. A single storey dwelling which would comprise one bedroom would require a minimum Gross Internal Floor Area (GIA) of 39m² for a single person. Additionally, the dwelling must have a minimum of 1m² of built-in storage. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 65.6m², and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.
61. The table below shows the Gross Internal Floor area for the bedroom in the proposed dwellinghouse (all measurements are approximate).

Bedroom No.1	10.24m ²
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62. According to the submitted plan the bedroom size complies with aforementioned policies and would 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 minimum GIA for a one-bedroom 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.
63. 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.
64. 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

65. 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 garden space would provide adequate storage space.

Impact on Highway Safety

66. 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.

67. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with one bedroom, one off-street car parking space is required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
68. 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.
69. The proposed site has sufficient space within the proposed curtilage to provide at least one car parking space at the required dimensions as stated in the EPOA parking standard. It would be reasonable for the Council to impose a condition relating to a soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
70. The Highways Officer was consulted to comment on the proposal and raised no objections subject to conditions imposed pertaining to the storage of materials and no unbound materials. Overall, 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.

Flooding and Drainage

71. 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.
72. 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.
73. 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.
74. 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.

Trees

75. 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.”

76. The Council's arboriculture officer was consulted and raised no objection to the proposal.

Biodiversity Net Gain

77. 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.

78. 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 relating to de-

minimis development. The applicant has not therefore been required to provide any BNG information.

79. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning condition 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

80. The NPPF 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.
81. 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.
82. 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.
83. The Council's ecologist was consulted and raised no objection to the proposal. The ecologist states:

"We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated

sites, protected and Priority species and habitats. This included a review of Magic Maps and aerial imagery.

As the alterations to the building are minimal, we are satisfied that there is sufficient ecological information available to support the determination of this application.

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

84. 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.

Off-site Ecology

85. 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.
86. 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 Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 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

87. 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.

88. 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

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

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

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

91. Taking account of the nature of the proposed development and representations received, it 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

92. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: No comments received.

Rochford District Council Arboricultural Officer: No objections.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to no unbound materials and reception and storage of building materials clear of the public highway.

Essex County Council Place Services Ecology:

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

As the alterations to the building are minimal, we are satisfied that there is sufficient ecological information available to support determination of this application.

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

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

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).

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: 01 (Proposed Elevations and Floor Plan) (as per date stated on plan January 19th), Location Plan (received by the Local Planning Authority on the 15th November 2024) and the Block Plan Revision b. (received by the Local Planning Authority on the 15th November 2024).

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

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

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

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

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

7. 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 Metropolitan Green Belt.

8. Notwithstanding the plans hereby submitted, 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, 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.

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

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

county highway authority's Development Management Policies, adopted as Supplementary Guidance.

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

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

11. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been 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 is complete and fledging has taken place. Completion of nesting and fledging 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 protected species in accordance with the NPPF.

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

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

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

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