



**PLANNING APPLICATIONS WEEKLY LIST NO. 1764**  
**Week Ending 4th July 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 31<sup>st</sup> July 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **9th July 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

Index of planning applications: -

1. Recommended Approve – 24/00775/FUL – Makro Rawreth Lane  
Rayleigh PAGES 2-13
2. Recommended Approve – 25/00310/FUL – Jofrema Montefiore Avenue  
Rayleigh PAGES 14-21

Application No :	24/00775/FUL      Zoning : No allocation
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Makro Rawreth Industrial Estate Rawreth Lane
Proposal :	Replace existing external refrigeration plant on gantry to rear of building with new plant within 2 No. compounds at ground level.

## **SITE AND PROPOSAL**

1. The application site is situated on the western edge of Rayleigh. It forms part of the built-up area of the town and directly abuts the settlement extension SER1. The although unallocated site forms part of the Rawreth Industrial estate which supports a variety of commercial and industrial uses.
2. Positioned on the eastern side of the internal estate access road, the site is easily accessible from Rawreth Lane - a main distributor road with significant traffic volume. The surrounding estate is characterised by a mix of industrial buildings and service-related businesses. The application site itself is currently occupied by an established cash and carry warehouse, trading under the name "Makro." The premises consist of a large single-storey warehouse structure with associated customer parking, servicing areas, and an ancillary plant.
3. The surrounding context is mixed in character. To the east of the site lie residential properties and a primary school, creating a sensitive interface between industrial and community land uses. To the south are additional industrial units forming part of the Rawreth Industrial Estate. To the north, beyond an intervening surface car park serving the site, is further residential development, highlighting the proximity of the site to existing housing.
4. Access to the site is provided via two separate vehicular entry points. A customer entrance is located toward the northern boundary of the site, providing access to a surface car park. A separate, dedicated service yard access is used exclusively by delivery and goods vehicles, facilitating efficient operation of the business while limiting potential conflict between vehicle types and improving overall site safety.
5. The application seeks full planning permission to replace existing external refrigeration plant on gantry to rear of the building with new plant within 2 No. compounds at ground level.

## RELEVANT PLANNING HISTORY

6. Application No. 15/00055/LDC - Application for a Certificate of Lawfulness for Proposed Installation of Solar Panels to Existing Store Roof – Permitted - 03.07.2015.
7. Application No. 14/00365/FUL - The variation of condition 4 attached to planning permission reference 06/00079/FUL to extend the hours of receiving or dispatching of goods or stock, allow the parking of goods/delivery vehicles and operate any plant machinery outside the building to 0500-2200 Monday to Saturday and 0700- 1900 Sunday - Refused - 21.02.2017.
8. Application No. 08/00217/FUL - Application to Vary Condition 4 of Permission 06/00079/FUL to Allow Store Opening 0600-2200 Monday to Friday, 0600-2100 Saturday and 0930-1900 Sundays and Bank Holidays – Refused - 26.06.2008.
9. Application No. 06/00903/FUL - Application to Vary Condition 4 of Permission 06/00079/FUL to Allow Pre Christmas-Opening Hours Each Year as Follows: Mon - Fri 0630 to 2200, Sat 0730 to 2000 and Sun 0930 to 1830 – Refused - 21.12.2006.
10. Application No. 06/00589/FUL - Subdivide Plot and Construct Two Storey Building to Provide 2 No. One Bedroomed Flats (Existing Garage to be Demolished) – Refused - 09.10.2006.
11. Application No. 06/00588/ADV - Non-Illuminated Building Mounted Sign, Externally Illuminated Free Standing Entrance Sign and Non-Illuminated Signage at Access and Service Access – Approved - 29.08.2006.
12. Application No. 06/00439/FUL - Erect Marquee to Front of Store (on Car Park) for a Temporary Period of 6 Months – Approved - 20.07.2006.
13. Application No. 06/00226/ADV - Illuminated Building Mounted Signage and Illuminated free Standing Entrance Sign and Illuminated Sign to Customer Car Park and Service Entrance – Refused - 08.05.2006.
14. Application No. 06/00079/FUL - Single Storey Side Extension Using Matching Materials, Erect Canopy to Front of Building Over Part of Car Park, Internal and External Alterations as Part of Modernisation. Amend Car Park Layout Including Changes to Customer and Delivery Accesses. Variation of Conditions 8 and 9 of Application F/0354/93/ROC to Allow Store Opening Times Between 0730hrs-2100hrs Monday to Friday and 0730hrs-1900hrs on Saturday and 0900hrs-1730hrs on Sunday. Delivery Times are revised from 24 Hours Monday to Friday and Saturday and Sunday 07:00hrs to

17:00hrs to During Store Opening Times, namely 0730hrs-2100hrs Monday to Friday and 0730hrs-1900hrs on Saturday and 0900hrs-1730hrs on Sunday – Permitted - 24.05.2006.

15. Application No. 05/01032/FUL - Retain 14 No. Storage Containers and 2 No. Compactor Units to Service Yard Area in Variance to Condition 3 of Planning Permission F/0354/93/ROC – Permitted - 28.02.2006.
16. Application No. 04/00571/LDC - Application for A Certificate of Lawfulness for A Hand Car Washing Service – Permitted - 25.10.2004.
17. Application No. 98/00700/FUL - Use Land Adjacent to Existing Cash and Carry Warehouse as Garden Centre. Erect 4.8m High Perimeter Fence – Refused - 08.04.1999.
18. Application No. 97/00109/FUL - Use Land Adjacent to Existing Cash and Carry Warehouse as Garden Centre. Erect 4.8m High Perimeter Fence – Withdrawn - 22.04.1998.
19. Application No. 95/00123/ADV - Erect Car Parking Directional Signage and Three Illuminated Fascia Signs on Front and Side Elevations – Permitted - 16.08.1995.
20. Application No. 93/00354/FUL - Construction of a Building Together with Associated Out Buildings and Car Parking for Use as a Cash and Carry Warehouse and/or Other Uses Within Class B8 – Approved - 11.02.1994.
21. Application No. 90/00637/OUT - Outline Application to Demolish Existing Buildings and Construct New Buildings for Business (B1) and General Industrial (B2) Uses land north of Rawreth Industrial Estate Rawreth Lane – Approved - 14.11.1990.

## **MATERIAL PLANNING CONSIDERATIONS**

22. 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.
23. 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).
24. Good design is promoted by the National Planning Policy Framework 2024 (as amended) (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.

25. 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'.
26. According to the submitted planning application forms there are existing refrigeration plant which are housed on a gantry at the rear of the store and consist of 3No. large condensers. These units are grey powder coated metal boxes on legs with fans mounted on top. The applicant has inferred that these units are no longer fit for purpose and wish to replace them with more efficient and sustainable units.
27. The new plant would be located at ground level and will comprise of a number of much smaller units (6No. in total not 7 as specified on the planning application forms) within 2No. designated plant compounds which will be strategically placed at the rear of the store below the existing plant. The proposed plant will be installed on newly laid concrete plinths.
28. In reference to the submitted plans one of the compounds will contain 4No. units (2No. will measure approximately 900mm wide by 3000mm long by 1700mm high. The 2No. remaining units will measure roughly 890mm wide by 890mm long by 1900mm high). This compound is located at the rear of the premises within the service yard on the south east corner of the unit and is set approximately 20m off the common boundary shared with St. Nicholas Primary School.
29. The remaining compound will contain 2No. units (both of which will measure approximately 890mm wide by 890mm long by 1900mm high). Once again, this compound is situated at the rear of the premises and is located wholly within the service yard and is situated roughly 70m off the common boundary. All of the new plant will be grey powder coated steel boxes with black fan guards to the front face. The boundaries to the site are delineated by 1.8m high (approx.) wire mesh fencing topped with barbed wire. Moreover, the case officer witnessed that adjacent to the boundary and within the applicant's curtilage were numerous mature trees located at sporadic intervals, which are afforded protection via TPO's.
30. Following a site visit, the case officer noted that similar plant equipment was noted on other buildings within the locality. Consequently, condensing units are not an unusual or alien feature within the street

scene. It is considered that the proposed condensing units are of a conventional design; however, they are of no particular architectural merit, nevertheless plant equipment of this type is a typical feature commonly associated with commercial/leisure buildings.

31. In conclusion, the case officer notes that it is not uncommon for commercial buildings to have similar types of plant equipment to that proposed as part of this planning application. The case officer is aware of numerous examples of similar types of development around the district. Therefore, in the opinion of the case officer, the proposed condensing units would be a relatively inconspicuous feature typically associated with commercial units. The proposed units would not be overly obvious from the public realm, due to their location, as they would be sited at the rear of the building and the existence of the large mature trees will help to alleviate some of the negative externalities associated with the proposal. Therefore, it is considered that in terms of their appearance, the units would not be considered to result in a significant detrimental harm upon the character of the street scene in this location and would be in accordance with policy CP1 of the Core Strategy and policy DM1 of the Development Management Plan and guidance advocated within the NPPF.

#### Impact on Residential Amenity

32. Paragraph 135(f) of the NPPF establishes that planning decisions should promote safe, inclusive, and accessible environments which support the health and well-being of existing and future occupants. A core expectation is that new development delivers a high standard of amenity. This policy aim is reflected locally in Policy DM1 of the Council's Development Management Plan, which seeks to safeguard residential amenity through the protection of privacy, prevention of overlooking, enhancement of visual quality, and encouragement of a sympathetic relationship with surrounding built form.
33. In planning terms, "amenity" encompasses the environmental conditions that contribute to a reasonable quality of life, such as access to daylight and sunlight, outlook, privacy, and freedom from overbearing or intrusive built form. It is incumbent upon the Local Planning Authority (LPA) to assess the extent to which a development proposal may result in demonstrable harm to these conditions. Key considerations include the potential for loss of light, overshadowing, visual intrusion (including the "tunnelling" or canyoning effect), and the degree of overlooking onto neighbouring dwellings or private amenity spaces.
34. The application site is situated within a mixed-use context, although the prevailing land use in the immediate surroundings is residential. Dwellings are located to the northeast, southwest, and west of the site, with the nearest residential receptors situated approximately 50m to the southeast on Stirling Close. St. Nicholas Primary School is located

approximately 85m to the east. A number of commercial premises also adjoin the site, particularly to the southwest. No objections or representations have been received from the public in relation to this application; whilst not determinative, this absence of opposition is a material consideration that may be weighed in the overall planning balance.

35. In terms of environmental considerations, Paragraph 187 of the NPPF requires that planning decisions contribute to and enhance the natural and local environment and explicitly cautions against permitting development which would result in unacceptable levels of noise pollution. Paragraph 198 provides further guidance, stating that the appropriateness of a development in a given location should be judged in light of its potential impact on health, living conditions, and the natural environment, including the cumulative effects of pollution. Decision-makers are specifically required to take account of the sensitivity of both the site and its surrounding context.

36. In this regard, planning decisions must:

- Mitigate and minimise potential adverse noise impacts from new development, avoiding significant adverse effects on health and quality of life; and
- Identify and preserve areas of tranquility that are valued for their recreational and amenity importance.

37. Given the proximity of sensitive receptors, particularly residential dwellings and a school, noise arising from the proposed plant equipment is a material planning consideration. Although the site lies adjacent to a number of commercial and industrial units - likely elevating ambient background levels above those typically associated with a solely residential area - the introduction of new mechanical equipment must nonetheless be assessed in terms of its potential to cause unacceptable disturbance.

38. To that end, the applicant has submitted a Plant Noise Impact Assessment prepared by NSL, dated 11 December 2024. This technical assessment provides a baseline understanding of existing environmental noise conditions and evaluates the anticipated impact of the proposed plant once operational. The assessment methodology is in accordance with recognised industry standards and includes:

- A site-specific environmental sound survey, undertaken at a location representative of the most exposed noise-sensitive receptor;
- Acoustic modelling of the proposed plant units, assessing cumulative noise levels against thresholds typically applied by local planning authorities.

39. The report concludes that, subject to the implementation of recommended mitigation measures, the operational noise associated

with the plant would not exceed acceptable limits, and therefore would not give rise to significant adverse effects.

40. The mitigation measures proposed include:

- Installation of a U-shaped acoustic screen around plant units SYS 1 and SYS 2, specifically designed to block the line of sight between noise-generating equipment and sensitive receptors;
- Consideration of operational limitations on the duty set points of the equipment, thereby reducing potential noise emissions during peak functioning hours.

41. The Council's Environmental Health Officer (EHO) has reviewed the submitted assessment and confirms that the approach, methodology, and conclusions are technically robust and acceptable. The EHO comments that:

*"The assessment approach is acceptable. As per the recommendations in Section 7, specific details of the equipment and acoustic barrier should be submitted for approval prior to installation. At this stage, a post-installation survey is not considered necessary."*

42. In view of this professional advice, the case officer is satisfied that the proposed development, with the incorporation of the specified acoustic mitigation, would not result in an unacceptable impact on the amenity of nearby receptors. To ensure implementation, it is recommended that any planning permission granted be subject to a condition requiring the submission and approval of the final specifications of the plant equipment and associated acoustic screening measures prior to installation.

#### Highways

43. The site is located on the eastern side of Rawreth Lane and forms part of much larger commercial/industrial area. According to the submitted planning application forms and plans the proposal will not reduce the amount car parking provision on site. Moreover, the existing access/egress arrangements will remain unaltered as a result of the proposal. There is sufficient space within the service yard for vehicles to manoeuvre so that they leave the site in a forward propelling gear. Additionally, it is considered that there are not any apparent significant car parking issues on the site and the application site is located in a relatively sustainable location in close proximity to public transport routes. As the proposal would not lead to a significant intensification of vehicles or pedestrians to and from the site to the detriment of the highways infrastructure in place. Therefore, no concerns are raised with regards to highway and pedestrian safety.

## Landscape

44. 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.”*

45. When the case officer conducted his site visit, he witnessed that there were numerous large mature trees which were sporadically located around the periphery of the site. Moreover, according to the Council's GIS database these trees are afforded protection via a TPO. The Council's Arboriculture Officer has been consulted regarding the proposal and states *“There are preserved trees (TPO/00015/90) within 10m of the proposed development and within the wider site along the access areas, I would suggest that as a condition of planning consent a tree protection plan and arboricultural method statement are provided in accordance with BS 5837 2012”*. The case officer agrees with the conclusions reached by the council's arboricultural officer and in the event that planning permission is approved, will be subject to the imposition of a condition relating tree protection plan and arboricultural method statement.

## Flooding

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

## Ecology

47. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to

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

48. 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.
49. 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.
50. As previously stated, the whole of the application site is covered in existing hardstanding. Furthermore, given the nature of the surrounding land uses it is unlikely that any protected species will be on site and as such the proposal will not have a detrimental impact on ecological species in the area.

#### Biodiversity Net Gain

51. 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).
52. 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.

53. 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

54. 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.

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

56. 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**

57. Approve.

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

Rawreth Parish Council : No comments received

Rochford District Council Environmental Health Officer: The assessment approach is acceptable. As per the recommendations in Section 7, specific details of the equipment and acoustic barrier should be submitted for approval prior to installation. At this stage, a post-installation survey is not considered necessary.

Rochford District Council Arboricultural Officer: There are preserved trees (TPO/00015/90) within 10m of the proposed development and within the wider

site along the access areas, I would suggest that as a condition of planning consent a tree protection plan and arboricultural method statement are provided in accordance with BS 5837 2012.

Cadent Gas: No objection, informative note required.

Neighbour representations: No responses received.

**Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024 revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policy CP1.

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

Parking Standards: Design and Good Practice Supplementary Planning Document (Adopted January 2025).

The Essex Design Guide (2018).

Natural England Standing Advice.

**RECOMMENDATION: APPROVE**

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plan references 05-1 (Plant Layout) (as per date stated on plan October 2024), Location Plan (as per date stated on plan 1<sup>st</sup> November 2024) and the Site Plan.

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

3. No development, demolition or ground works shall take place until a tree protection plan and arboricultural method statement in accordance

with BS 5837 2012 have been supplied to and approved in writing by the Local Planning Authority. Following approval of the tree protection measures and arboricultural method statement, the details contained within are to be implemented as part of the construction / development phase. Prior to demolition and during the installation of the plant equipment photos shall be sent to the local planning authority showing the barriers and ground protection to ensure compliance. This protection shall remain in position until after the development works are completed and no materials etc. shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition, unless first agreed in writing with the Local Planning Authority.

REASON: To ensure the protection of trees in the locality and in the interest of visual amenity generally afforded by trees on the site.

4. Prior to the installation of any plant or mechanical equipment hereby approved, full details of the proposed acoustic mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - Exact specifications and locations of the plant equipment (including SYS 1 and SYS 2);
  - Design, dimensions, and materials of the proposed U-shaped acoustic screen; and
  - Any proposed operational limitations or duty cycle set points intended to reduce noise emissions.

The plant equipment shall not be brought into operation until the approved mitigation measures have been fully installed. Thereafter, the equipment and mitigation measures shall be retained, maintained, and operated in accordance with the approved details for the lifetime of the development.

REASON: To protect the amenity of nearby residential receptors and sensitive uses in accordance with Paragraphs 135, 187 and 198 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Development Management Plan.

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

Application No :	25/00310/FUL      Zoning : Metropolitan Green Belt
Case Officer	Mr. Thomas Byford
Parish :	Rayleigh Town Council
Ward :	Downhall And Rawreth
Location :	“Jofrema” Montefiore Avenue, Rayleigh.
Proposal :	Application to remove condition 3 (restriction on construction of extensions/porches/garages/outbuildings) and condition 4 (restriction on alterations including enlargement and provision of additional windows) pursuant to planning permission reference F/0565/91/ROC which permitted the following development: Demolish existing dwelling and erect 3-bed chalet with private drive.

## SITE AND PROPOSAL

1. This application seeks to remove condition Nos. 3 and 4 of planning permission reference F/0565/91/ROC under Section 73 of the Town and Country Planning Act. That permission granted consent for the construction of a three bedroomed chalet bungalow with private drive, following demolition of the existing dwelling.

2. Condition 3 of the above consent reads as follows:

*‘Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order) no extensions, porches, garages or outbuildings shall be erected within the curtilage of the dwelling hereby approved.’*

3. Condition 4 of the above consent reads as follows:

*‘Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order) no alterations, including the enlargement of or the provision of additional window openings. Including dormer windows and rooflights shall be made to the fenestration pattern as shown on the approved plan drawing no. 3 date stamped 21st August 1991’*

4. The same reason was given on both conditions. This reads as follows:

*'The property is situated within the Metropolitan Green Belt where extensions to dwellings are limited in size in accordance with the requirements of Policy GB6 of the Rochford District Local Plan.'*

5. The application site is within the Metropolitan Green Belt and lies on the northern side of Montefiore Avenue, Rayleigh. Montefiore Avenue is a quiet, low-density lane unmade plotland road with large, detached houses that sit in generous plots. The area feels open and green, with lots of space between buildings and soft landscaping that helps it blend into the countryside.
6. The existing dwelling was constructed under planning permission F/0565/91/ROC.
7. The applicant has submitted this application on the basis that Conditions 3 and 4 do not meet the tests for planning conditions as now set out in the National Planning Policy Framework 2024 as amended in 2025 (NPPF).

## **RELEVANT PLANNING HISTORY**

Application No. F/0565/91/ROC - Demolish existing dwelling and erect 3-bed chalet with private drive – Permitted.

Application No. 93/00043/FUL - Demolish Existing and Erect 3-bed Detached Chalet with Private Drive Access – Refused.

Application No. 93/00176/FUL - Demolish Existing Dwelling and Erect 3-bed Chalet with Private Drive Access – Sec10.

## **MATERIAL PLANNING CONSIDERATIONS**

8. The Planning Practice Guidance (PPG) states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects (the "six tests").
9. The PPG also emphasises that conditions should be tailored to specific problems and not applied in a standardised manner, as a matter of habit or broadly.
10. The National Planning Policy Framework (NPPF) maintains a general presumption against inappropriate development in the Green Belt. Such development should not be approved except in very special circumstances. No such circumstances have been demonstrated in this case.
11. Although the original planning consent was granted under a previous Local Plan, the current Development Management Plan (DMP) (2014) provides the updated policy context. In particular, Policy DM21 now

replaces GB6 and addresses the scale and control of development- particularly in the Green Belt.

#### Development Plan Weighting

12. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the adopted development plan- in this case, the Development Management Plan (2014)- unless material considerations, such as the updated NPPF (2024), clearly indicate a different outcome.
13. Although the DMP dates from 2014, it remains the current and adopted policy document and must be the starting point for decision-making unless formally replaced or demonstrably outweighed by national guidance.
14. Policy DM21 aligns fully with the Green Belt objectives of the NPPF- protecting openness and permanence and preventing incremental sprawl. Its provision for removing permitted development (PD) rights remains both up to date and relevant. Full weight should therefore be given to DM21 of the DMP.
15. Policy DM21 states:

“Planning permission for a replacement or rebuild of an existing dwelling will be conditioned withdrawing further permitted development rights relating to the extension of the dwelling or provision of outbuildings within the curtilage of the dwelling.”
16. This reflects a deliberate policy response aimed at limiting incremental additions that might cumulatively exceed a 25% floorspace increase, resulting in disproportionate impact that could erode Green Belt openness.
17. The application dwelling was constructed under permission F/0565/91/ROC as a replacement dwelling in the Green Belt. It is understood to have been approved likely incorporating the enlargement allowable under policy at that time and so was subject to restrictions on future development via permitted development rights, so that the new dwelling would not in itself be enlarged by policy allowance already taken into account (and so avoid double counting) in line with Green Belt policy at the time. That reasoning remains applicable, consistent and is reinforced by current Policy DM21.
18. Montefiore Avenue is characterised by large, detached dwellings in generous plots with spacious, landscaped surroundings. Its low-density, green setting differs significantly from the more compact and suburban locations referenced by the applicant. In such an environment, even small permitted additions-dormers, porches, or outbuildings-can noticeably erode the area's open, rural character.

19. The applicant argues that appeal decisions over the last few years support the removal of such conditions. Upon review, the cited decisions show that:
- Appendices A and B (APP/Z4718/W/21/3268030 and APP/P2365/W/21/3273049) relate to developments outside Rochford District and under different policy contexts and therefore are not directly comparable;
  - Appendix C (APP/B1550/W/24/3347587) dealt with a single-storey rear extension at Mayfield Pudsey Hall Lane (application ref: 24/00035/FUL) and was allowed because it was minor and assessed as having no harmful impact. It does not support removal of PD rights in a case involving a replacement dwelling.
  - Appendix D (APP/B1550/W/24/3353859) relates to a new dwelling on land adjacent to an existing property at the site of land adj. 1 Disraeli Road in Rayleigh (application ref: 24/00196/FUL) . In that case, the Inspector found no justification for removing permitted development rights, largely due to the suburban character and layout of the area. The Inspector also considered the site to be Grey Belt land and concluded that the development would not harm the openness of the Green Belt. Given the very different setting of the current application site, which is more rural and open in nature, this appeal decision is considered to carry very limited weight.
20. In contrast, Rochford-specific appeal decisions support the continued removal of PD rights in the Green Belt.
21. An appeal at Fintry, Barrow Hall Road, Barling (APP/B1550/D/15/3135187) (application ref: 15/00243/FUL) involved a proposal for a hip-to-gable roof extension and front and rear dormers to a dwelling within the Green Belt. The Inspector dismissed the appeal primarily on the grounds that the proposed extensions would result in a cumulative floorspace increase of approximately 116% over the original dwelling, which far exceeded the 25% guideline threshold set out in Policy DM17.
22. Although the Inspector acknowledged that the impact on the openness of the Green Belt was not significant, the proposal was considered to constitute inappropriate development by definition. As stated in paragraph 11 of the decision, “this does not negate the intrinsic harm by definition to the Green Belt resulting from disproportionate additions over and above the size of the original dwelling.”
23. The decision reinforces that harm to the Green Belt does not need to be physical or visual to be relevant. This supports the Council’s position that controlling development through removal of permitted development rights is necessary to prevent cumulative additions that, while

individually perhaps modest, may result in inappropriate development when considered in combination or incrementally. It aligns with Policy DM21, which requires the removal of permitted development rights for replacement dwellings in the Green Belt to protect against future harm.

24. This approach is especially important on sites like the application site on Montefiore Avenue, where the openness and character of the Green Belt could be compromised by uncontrolled extensions or alterations.
25. Furthermore, the Inspector gave little weight to the appellant's comparisons to other cases, reinforcing the importance of assessing each site individually and upholding the development plan unless compelling material considerations indicate otherwise. This supports the proactive and locally specific approach to Green Belt control reflected in Rochford's standard practice of withdrawing permitted development rights for replacement dwellings in accordance with Policy DM21.
26. Appeal at "Fintry" reference APP/B1550/D/15/3135187, confirms that where future development could cumulatively threaten openness, the Planning Inspectorate should support proactive protection by removing PD rights. This is clearly justified on site-specific circumstances and is a proportionate, policy-based response justified under DM21 and national guidance.
27. Further support for the Council's position is found in the Inspector's decision for appeal reference APP/B1550/W/17/3189704, relating to Land South of The Limes, Church Road, Hockley (application ref:17/00565/FUL). In this case, planning permission was granted for four dwellings within the Green Belt, with the Inspector determining the development to be "not inappropriate" under paragraph 89 (now paragraph 155) of the NPPF. However, despite finding the scheme acceptable in principle, the Inspector imposed a condition explicitly withdrawing permitted development rights under Classes A, B, and E of Part 1, stating: "It is also necessary to restrict further development within the curtilage of each dwelling, such as extensions and outbuildings, in the interest of protecting the Green Belt." This demonstrates a consistent approach where, even in cases where Green Belt development is allowed, further development through permitted development rights can be restricted to prevent incremental and cumulative harm to openness. This directly aligns with the intention of Policy DM21 of the Rochford Development Management Plan, which seeks to manage the long-term impact of new dwellings in the Green Belt by withdrawing permitted development rights. It confirms that such restrictions remain a proportionate and justified planning tool in safeguarding Green Belt purposes.
28. Unrestricted PD rights could permit extensions, roof alterations, and outbuildings that surpass the thresholds set out in DM21. Without

appropriate planning control, the LPA cannot ensure compliance with Green Belt policy.

29. Condition 4's restriction on fenestration changes originally referred to windows and rooflights. While window alterations alone are unlikely to harm openness, roof-based changes-such as dormers-can materially increase bulk. The proposed revised condition in the recommendation focuses solely on Class B (roof) development to correctly reflect this risk.
30. Condition 3 has also been varied to align with the current DMP (2014) policy (DM21).
31. The revised wording in the officer recommendation for Conditions 3 and 4 aligns with updated legislation (GPDO 2015), fulfils the six tests, and provides a clear, enforceable mechanism to safeguard Green Belt openness without undermining the principle of the original consent.
32. It is considered Condition 3 should still remove permitted development rights but can be **varied** and should now read as follows:

*'Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Permitted Development Order 1988 (or any order revoking and re-enacting that order) no extensions, porches, garages or outbuildings shall be erected within the curtilage of the dwelling hereby approved.'*

*REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt, in compliance with Policy DM21 of the Rochford Council Development Management Plan.'*

33. It is considered Condition 4 should still remove permitted development rights but can be **varied** and should now read as follows:

*'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 B of Part 1 Schedule 2 of the Order shall be carried out.'*

*REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt, in compliance with Policy DM21 of the Rochford Council Development Management Plan.'*

## Equalities and Diversity Implications

34. 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.

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

36. 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**

VARY CONDITION 3 and 4.

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

Rayleigh Town Council: No comments received.

Neighbour representations: No comments received.

## **Relevant Development Plan Policies:**

National Planning Policy Framework 2024 (as amended 2025).

Core Strategy Adopted Version (December 2011) – policy CP1.

Development Management Plan (December 2014) – policies DM1, DM21.

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

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

The Essex Design Guide.

Natural England Standing Advice.

Planning Practice Guidance.

**RECOMMENDATION: VARY CONDITIONS 3 and 4**

Condition 3 shall now read:

*‘Notwithstanding the provisions of Article 3, Schedule 2 and Part 1 of the Town and Country Planning General Permitted Development Order 1988 (or any order revoking and re-enacting that order) no extensions, porches, garages or outbuildings shall be erected within the curtilage of the dwelling hereby approved.*

*REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt, in compliance with Policy DM21 of the Rochford Council Development Management Plan.’*

Condition 4 shall now read:

*‘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 B of Part 1 Schedule 2 of the Order shall be carried out.*

*REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt, in compliance with Policy DM21 of the Rochford Council Development Management Plan.’*

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