



PLANNING APPLICATIONS WEEKLY LIST NO.1768
Week Ending 1st August 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 25 September 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **6th August 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.

Glossary of suffix's:-

Outline application (OUT), Full planning permission (FUL), Approval of Reserved Matters (REM), S106 legal obligation modification (OBL), Planning in Principle (PRINCI), Advertisement Consent (ADV), Listed Building Consent (LBC).

Index of planning applications: -

- 1. Recommended Refuse – 25/00132/FUL – A & K Nurseries Arterial Road Rayleigh PAGES 2-9
- 2. Recommend Approve - 25/00234/FUL - Land North Of Devenish Ltd Hambro Hill PAGES 9-19

Application No :	25/00132/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	A And K Nurseries Arterial Road Rayleigh
Proposal :	Siting of 3 No. containers for B8 (Storage and Distribution) Use - (Retrospective)

SITE AND PROPOSAL

1. The application site comprises a commercial yard situated off the south side of the A127 Arterial Road, within the Metropolitan Green Belt. The wider site features open storage, hardstanding, vehicles, and various buildings and containers. The surrounding land is open but includes similar fragmented and semi-industrialised plots along this section of the A127 corridor.
2. The application seeks retrospective planning consent for 3 containers within the site.
3. The three containers are positioned within the site. They are visible from within the yard but mostly screened from other public viewpoints.

RELEVANT PLANNING HISTORY

4. Application No. 11/00597/FUL - Proposed removal of existing monopole with 6 antennae and installation of new monopole with 12 antennae on circular headframe, addition of 2 dishes (600mm each) and compound extension by 4.1m – Permitted.
5. Application No. 21/00356/FUL - Proposed retention of use of site for the siting of a mobile home for use as a residential dwelling. Retain existing boundary fencing and existing storage container for the storage of domestic items associated with the residential use of the site. – Refused.
6. Application No. 21/00732/FUL - Change of use to dog grooming salon – Permitted.
7. Application No. 24/00065/FUL - Proposed demolition of existing office and associated outbuildings and construction of new chalet bungalow – Refused.
8. Application No. 21/00019/COU_C – Enforcement Enquiry – Pending.

MATERIAL PLANNING CONSIDERATIONS

9. 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.
10. 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 – Green Belt Considerations

11. The site lies within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014). The National Planning Policy Framework (2024)(as amended) (NPPF) sets out a presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances. Policies GB1 and GB2 of the Council's Core Strategy direct development away from the Green Belt and prioritise its protection, having regard to how well land contributes to the purposes of the Green Belt. The national Planning Practice Guidance (PPG) advises that impacts on openness, duration, and associated activity are also relevant considerations when assessing Green Belt proposals.
12. Paragraph 153 of the NPPF requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm is clearly outweighed by other considerations.
13. The proposed development does not fall under any of the exceptions listed in paragraph 154 of the NPPF. While part (g), relating to the reuse of previously developed land, may appear relevant, the proposal does increase substantial built form on the site and taking into account the lack of planning permission for some of the uses on the site, where land has been developed without planning permission, it is not considered that the proposal benefits from this exception. As such, it constitutes inappropriate development and must be assessed under paragraph 155.
14. Paragraph 155 of the NPPF (2024) introduces a limited exception for development on "grey belt" land where all of the following four criteria are met:

- 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 reference to paragraphs 110 and 115 of the Framework.
 - d. Where applicable, the development meets the “Golden Rules” in paragraphs 156-157.
15. With regard to part (a), the site is visually and physically separate from the built-up area of Rayleigh and is surrounded on several sides by open countryside. While it plays a limited role in preventing urban sprawl and maintaining rural openness, it does not strongly contribute to Green Belt purposes (a), (b), or (d), as set out in paragraph 143. The site does not lie within a strategic gap, is not near any historic town, and contributes only modestly to the Green Belt’s overall function. Accordingly, it can reasonably be regarded as grey belt, and the remaining tests under paragraph 155 apply.
16. Paragraph 155(b) requires that there is a demonstrable unmet need for the type of development proposed. In this case, the proposal is for three shipping containers sited within the commercial yard for use within B8 use (storage and distribution).
17. Planning enforcement records, including a Planning Contravention Notice (PCN) signed on 8 July 2023, confirm that the site has been subject to numerous breaches of planning control in recent years. These include uses for car sales, scaffolding, building material storage, HGV parking, and subdivision into independent yards, most of which are occurring without the benefit of planning permission.
18. Recognised lawful uses on the site are limited to the dog grooming salon and the Downs Landscaping/Turf business. The enforcement records indicate that the area where the shipping containers are sited may previously have been used by the landscaping business. However, it remains unclear whether the B8 storage containers are genuinely connected to that business or introduce a new, unauthorised commercial use.
19. In the absence of an existing lawful B8 use, or clear evidence that the containers support an established lawful use, it is not considered that a demonstrable unmet need has been shown for the proposed development. The proposal therefore fails to meet the requirement of paragraph 155(b) and cannot be considered appropriate development in the Green Belt.

20. As the proposal fails to meet one of the four tests under paragraph 155, it is not necessary to assess the remaining criteria in detail. However, for completeness:
21. Paragraph 155(c) of the NPPF requires that development be located in a sustainable location, with reference to paragraphs 110 and 115. Paragraph 110 seeks to limit the need to travel and promote a genuine choice of transport modes, while paragraph 115 requires that safe and suitable access can be achieved for all users.
22. The site is accessed from a private track leading off the A127, a dual carriageway with fast-moving traffic. Although there is a cycleway along parts of the A127 corridor, there is no safe or direct pedestrian access into the site itself. The surrounding area does not provide convenient access to public transport, shops, or services. Walking to or from the site would not be safe or practical, especially given the speed and volume of traffic along the A127.
23. While the proposal is not for residential use, any future intensification or change of use could increase the number of vehicle trips to and from the site, and the lack of sustainable transport options weighs against the proposal. Given the small scale of development, no significant highway safety objections arise. However, the proposal does not fully meet the aims of paragraphs 110 and 115 of the NPPF and does not satisfy the sustainability requirement under paragraph 155(c).
21. Paragraph 155(d), concerning the “Golden Rules”, does not apply in this case.
22. In conclusion, while the site may fall within the definition of grey belt and the development is limited in scale, it fails to satisfy paragraph 155(b) due to the lack of a demonstrable need linked to a lawful use, as well as sustainability requirements under 155(c). As such, it constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify it. The proposal therefore conflicts with national and local Green Belt policy and is recommended for refusal on this basis.

Design

23. Chapter 12 of the NPPF emphasises the importance of creating high-quality, well-designed, and sustainable places. Paragraph 130 requires that developments are visually attractive, function well over time, and respond to local character and setting. Paragraph 134 advises that poorly designed development should be refused, particularly where it fails to reflect local design policies or guidance, while significant weight should be given to proposals that demonstrate good design, sustainability, or innovation that respects its context.

24. These principles are supported locally by Council's Core Strategy Policy CP1 and Development Management Plan Policy DM1, which require development to respect local character, scale, and form.
25. When viewed in the context of the wider yard, and alongside other structures and fencing, the containers do not necessarily appear out of place or visually intrusive. They are well set back from the site boundaries and screened somewhat from public view from the A127.
26. The scale, form, and typical commercial nature of the containers are in keeping with the character of the yard. However, if permission were to be granted, a condition could reasonably be imposed to control the colour of the containers, to help ensure they blend in more effectively with the surrounding countryside and minimise any residual visual impact.

Residential Amenity

27. Paragraph 135(f) of the National Planning Policy Framework (2024) seeks to ensure that developments 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 of the Council's Development Management Plan, which requires new development to avoid overlooking, maintain privacy, promote visual amenity, and establish a positive relationship with nearby buildings.
28. The site is not immediately adjoined by any residential properties. The nearest dwellings are set well away from the location of the containers and are separated by existing buildings, boundary treatments, and open land. Given the small scale of the development and its context, the proposal does not result in any loss of privacy, outlook, or light for neighbouring occupiers. There are no concerns relating to noise, disturbance, or other amenity impacts.

Biodiversity Net Gain (BNG)

29. 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.
30. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the

pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

31. However, there are certain exemptions, including what's known as de minimis development- which applies to small-scale, low-impact proposals. In this case, the retrospective siting of three small containers within an existing commercial yard is not considered to result in any measurable loss of habitat or biodiversity. The site is already hard surfaced and developed, with no natural or semi-natural habitat affected. As such, the proposal is expected to fall within the de minimis exemption, meaning the formal BNG requirements do not apply.
32. No further habitat survey or metric is required in this instance.

Highway Safety

33. The Highway Authority have been consulted on the application and have concluded that since the proposal is located in a private road, with the existing access unaltered, that the proposal is acceptable in highway safety terms.

Flood Risk

34. Although the proposal does not involve housing, the presence of any flood risk still requires consideration under the NPPF, particularly paragraph 175, which advises that development should be steered away from areas at risk of flooding unless it can be shown to be safe and appropriately designed.
35. In this case, no Flood Risk Assessment (FRA) has been submitted. However, the development is retrospective and relates to a small-scale, non-residential use. The containers are not occupied and are positioned on existing hardstanding. As such, they and their use are not considered vulnerable to flooding in the same way as dwellings or other sensitive uses.
36. The NPPF allows for development in surface water flood risk areas where it can be shown that:
- The use is appropriate;
 - There is no increased flood risk to people or property; and
 - Mitigation measures, such as raised floor levels or drainage, could be used where necessary.
37. Given the limited scale of development and the non-sensitive use, the proposal is considered to present low risk to life or property. A Sequential Test is not required in this case, and a formal FRA is not considered necessary for this type of minor development.

Equalities and Diversity Implications

38. 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.

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

40. 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

REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Neighbours: No comments received.

Relevant Development Plan Policies:

- National Planning Policy Framework (2024) (as amended).
- Core Strategy Adopted Version (December 2011) – GB1, GB2, CP1.
- Development Management Plan (December 2014) – DM1.
- Essex Parking Guidance (2024).
- The Essex Design Guide.
- Planning Practice Guidance (PPG).
- Environment Act 2021 – Schedule 14.

- Town and Country Planning Act 1990 – Schedule 7A (BNG).

RECOMMENDATION: REFUSE

Reason for Refusal:

1. The site lies within the Metropolitan Green Belt. The proposal constitutes inappropriate development and fails to meet the requirements of paragraph 155 of the National Planning Policy Framework (2024), specifically part (b), as no demonstrable unmet need has been established in connection with any lawful use of the site. In the absence of very special circumstances to outweigh the harm to the Green Belt, the proposal is contrary to the NPPF and to Policies GB1 and GB2 of the Rochford District Core Strategy.

2. The site is located off the A127, a high-speed dual carriageway with no safe or direct pedestrian access to the development. The proposal does not benefit from convenient access to local services, facilities, or sustainable transport options, and the nature of the surrounding road infrastructure discourages walking. As such, the development fails to demonstrate that it is located in a sustainable location or that safe and suitable access can be achieved for all users, contrary to paragraph 155(c) and paragraphs 110 and 115 of the National Planning Policy Framework (2024).

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne and Cllr. R. Lambourne

Application No :	25/00234/FUL Zoning : MGB
Case Officer	Mrs Elizabeth Milne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	Land North Of Devenish Ltd Hambro Hill Rayleigh
Proposal :	Change of Use of Building from Agricultural to Storage (B8) and associated subdivision of existing yard and parking provision.

SITE AND PROPOSAL

1. The application site is located on the northern side of Hambro Hill to the rear of the existing Essex Auto group car depot and west of the existing livery yard.
2. The site forms part of a larger land holding which comprises tenanted farmland, managed grassland remaining within the control of the applicant and approved equine uses, the latter of which are located to the east of this enclosed yard area.

3. The application site consists of an agricultural barn, gravel hardstanding covering most of the remainder of the site and security fencing enclosing the site. The application site is currently used for agricultural purposes.
4. The building, the subject of this current application, is located in the south of the site, running parallel to the southern site boundary. The site benefits from an existing access onto Hambro Hill.
5. The proposal is for a change of use of the existing building from an agricultural use to a storage use and associated subdivision of existing yard and parking provision including a Sheffield cycle stand, four car parking spaces and one disabled parking space. It also includes the erection of a new fence along the northern boundary of the site.

RELEVANT PLANNING HISTORY

Applications within the wider agricultural holding.

6. Application No. 11/00253/FUL - Erection of stables for livery purposes, associated tack room. Outdoor ménage, internal access road, layout 20 car parking spaces, use of land for the grazing and exercising of horses – Planning Permission Granted.
7. Application No. 18/01133/DPDP6 – Notification seeking determination as to whether Prior Approval was required for a proposed agricultural barn to provide storage for agricultural machinery and vehicles – No decision issued by the Local Planning Authority.
8. Application No. 19/00375/FUL - Retrospective application for stationing of 11 storage containers (Use Class B8) providing 1,650m² of storage. Refused 11.12.2019.
9. Application No. 19/00887/FUL - Erection of Two Buildings to Provide 10 No. additional stables (2 stalls are for storage of equipment and tack) and a new feed store to be used in connection with the existing equestrian facilities. Associated works including access tracks – Granted Planning Permission 15.01.2020.
10. Application No. 20/00318/DPDP6: Prior Approval for Proposed Agricultural Building under Schedule 2, Part 6, Class A of the GPDO (as amended). Prior Approval Required (Refused) 3.6.2020.
11. Application No. 20/00343/FUL: Retrospective application for the siting of 11 storage containers providing 1,650m² of agricultural storage. Application Withdrawn 25.6.2020.
12. Application No. 20/00826/FUL: Change of use of land from a former commercial use involving the storage of cockle shells and wood chip to a combined Agricultural and Equine use in connection with the storage

of Horse boxes and trailers (ancillary to adjacent equine uses) and the storage of agricultural machinery (ancillary to the related agricultural holding) (Retrospective), Erection of boundary fence (Retrospective), Erection of a building to serve an agricultural use (proposed) retention of 11 storage containers for a temporary period of 24 months and perimeter landscaping. Granted conditionally 16.4.21.

13. Application No. 23/00980/FUL. Variation of condition 3 (removal of storage containers) of application ref: 20/00826/FUL to retain one storage container for the safe storage of fuel. Approve.

MATERIAL PLANNING CONSIDERATIONS

14. 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.
15. 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

16. The site lies within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014). The National Planning Policy Framework (2024) (as amended) (NPPF) sets out a presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances. Policies GB1 and GB2 of the Council's Core Strategy direct development away from the Green Belt and prioritise its protection, having regard to how well land contributes to the purposes of the Green Belt. The Planning Practice Guidance (PPG) advises that impacts on openness, duration, and associated activity are also relevant considerations when assessing Green Belt proposals.
17. Paragraph 153 of the NPPF requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm is clearly outweighed by other considerations.
18. Paragraph 154 of the NPPF sets out a number of exceptions whereby development in the Green Belt would not be considered to be inappropriate. Within this, part iv) of exception criterion h) is listed as 'the re-use of buildings provided that the buildings are of permanent and substantial construction'. The proposed development consists of

the re-use of an existing building and is therefore considered to fall within one of the exceptions within paragraph 154 and is considered to be acceptable in principle.

Re-use of Buildings

19. The Council's Policy DM13 relates to the Conversion of Existing Agricultural and Rural Buildings in the Green Belt and states that the reuse or adaptation of existing agricultural and rural buildings will be supported provided that:
- (i) the application relates to an existing building of permanent and substantial construction;
 - (ii) the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;
 - (iii) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;
 - (iv) would not have an undue impact on residential amenity;
 - (v) there would be no detrimental impact on nature conservation or historic environment interests;
 - (vi) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should: (a) not negatively impact on the quality and significance of the listed structure; and (b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.
20. The proposal relates to a relatively new building which is of substantial construction. Due to the relatively minor scale of the proposal it would not be expected to generate a significant number of vehicle movements such that it would adversely impact the openness of the green belt or place pressure on the surrounding highway network. The footprint of the existing building would not be exceeded, and the proposal would not have a detrimental impact on nature conservation or historic environment assets. The proposal therefore complies with Policy DM13.

Impact on Residential Amenity

21. Paragraph 135(f) of the NPPF seeks to ensure that developments 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 of the Council's Development Management Plan, which requires new development to avoid overlooking, maintain privacy, promote visual amenity, and establish a positive relationship with nearby buildings.

22. The application site is located some distance from the closest residential properties at Hambro Close. Whilst no building works are proposed, the application would introduce a new use on the site which may lead to additional vehicle movements along the existing access track which is visible from the rear of the properties at Hambro Close. Due to the small scale of the proposed B8 use it is not considered that this proposal would generate significant traffic movements so as to result in a significant impact upon the amenity of occupiers to these residential dwellings.

Highways and Parking

23. The proposal benefits from an existing access track and access onto Hambro Hill, and it is proposed that this access would be retained and utilised for the proposed development.
24. Essex County Council Highways have adopted new parking standards in 2024 in turn adopted by the district Council in January 2025 and as such; any new development would need to comply with the updated standards set out within this document. These standards are based upon connectivity, which has been mapped out in zones across the district and the guidance refers to the connectivity level of a site when considering residential vehicle parking provision. The site is located in an area of 'moderate' connectivity. For a B8 use the parking standards require 1 space per 150sqm. plus HGV parking.
25. The floorspace of the proposal is some 513sqm. and as such four parking spaces would be required. The proposal includes a Sheffield cycle stand, four car parking spaces and one disabled parking space. The proposal is therefore considered acceptable in this regard.
26. No HGV parking is shown on the submitted plans and as the building has been divided into small storage units this may not be required for the intended users. However, the site is considered to benefit from sufficient space such that HGV'S can be accommodated if required.

Ecology

27. The Council's Policy DM27 requires that development should not cause harm to protected species and their habitat. Where harm would arise, conditions will be imposed to secure the protection of protected species, minimise disturbance to them and or provide compensatory habitat to sustain current levels of population.
28. The results of a preliminary ecological survey of the site have been submitted. Habitat at the site has been assessed for its potential to support protected species including birds, amphibians, invertebrates, reptiles, badgers, dormice, hedgehogs, otters, water voles and bats. The habitats on site were found to be of limited ecological value.

29. Place Services Ecology have recommended that due to the close proximity of Priority habitat deciduous woodland and its ecological connection to the site, that a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats.
30. It was recommended within the report that a sensitive lighting strategy should be implemented to prevent light spills from enhancing the dark corridor at the rear of the site, benefiting nocturnal and crepuscular species. This would also serve to ensure that the boundary habitats are kept dark during the hours of darkness.

Biodiversity Net Gain

31. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity and this is now mandatory under the Environment Act 2021 for all development unless one of the exemptions applies. This application would not be exempt.
32. Exactly how the development would achieve the mandatory 10% BNG is a matter which would be dealt with in the discharge of the mandatory condition post issue of a planning consent. The developer would have to submit a Biodiversity Gain Plan for the Council's approval. An informative is recommended to highlight the need for the BNG condition to be discharged prior to commencement of development.
33. Whilst formally agreeing how the development would achieve the required 10% BNG is a post planning consent matter, in determining whether to grant planning permission the Local Planning Authority should be reasonably satisfied that a Biodiversity Gain Plan could be approved and the BNG condition discharged and this requires appropriate application of the Biodiversity Gain Hierarchy. This hierarchy requires that BNG is delivered through on-site habitat enhancement/creation first (after avoidance of impacts on-site where possible) before off-site compensation is considered with the last resort being the purchase of biodiversity credits.
34. In this case the applicant indicated that the required 10% BNG would be delivered via on-site habitat enhancement and creation. It is considered that the proposed development would be able to satisfy the Biodiversity Gain Hierarchy.
35. Where the Local Planning Authority considers that on-site habitat enhancement to achieve (or contribute to achieving) the required 10% BNG would be considered significant in relation to the pre-development biodiversity value of the site, then the Environment Act requires that this habitat enhancement be maintained for 30 years and that this be secured via planning condition or legal agreement. Advice on what would constitute significant on-site habitat enhancement is contained in

the planning practice guidance and includes medium distinctiveness habitat such as native hedgerows and ditches which would be habitat created at this site. A condition is therefore recommended which would require the developer to submit a Habitat Management and Monitoring Plan to describe how they will maintain and monitor the habitat for the required 30 years.

EQUALITIES AND DIVERSITY IMPLICATIONS

36. 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.

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

38. 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

39. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council : None received.

Neighbour representations: None received.

Essex County Council Place Services Ecology:

No objection subject to conditions

1. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified, shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

2. 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:
 - 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
 - show how and where external lighting will be installed (through provision of appropriate lighting contour plans and 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).

Cadent Gas: No objection.

Relevant Development Plan Policies:

National Planning Policy Framework 2024(as amended).

Core Strategy Adopted Version (December 2011) – Policies GB1, GB2.

Development Management Plan (December 2014) – Policies DM1, DM11, DM13, DM27.

Essex Parking Guidance (2024).

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

The Essex Design Guide (2018).

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 approved plans referenced: 24.8013/M002 (Location Plan), 24.8013/P201 Rev D (Proposed Site Plan), 24.8013/P203 Rev A (Proposed Elevations), 24.8013/P202 Rev A (Proposed Floor Plans), 24.8013/P204 (Indicative Landscaping Plan).

REASON: To ensure that the development is undertaken in accordance with the approved plans as considered.

3. The materials used within the development hereby permitted shall be those detailed within the approved drawings as listed within condition 2.

REASON: To ensure that the suitable materials are used in the interests of visual amenity and in accordance with policy DM1 of the Development Management Plan 2014.

4. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

5. 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:
 - 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
 - show how and where external lighting will be installed (through provision of appropriate lighting contour plans and 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 shall 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).

6. Prior to first occupation, plans and particulars showing precise details of the soft landscaping and boundary treatment which shall form part of the development hereby permitted, shall be submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall be in accordance with the landscaping principles established in drawing no 24.8013/P204 and shall include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- planting methods of the trees to be planted, including the use of structural soil cell systems as necessary;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- means of enclosure and other boundary treatments;
- minor artifacts and structures (including street furniture);
- 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);

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

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

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