



PLANNING APPLICATIONS WEEKLY LIST NO.1769
Week Ending 8th 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 next Development Committee.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **13th 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 Approve - 25/00408/FUL - La Vallee Farm
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Application No :	25/00408/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	La Vallee Farm Wadham Park Avenue Hockley
Proposal :	Replacement of agricultural building with a bungalow (in lieu of Prior Approval for one dwelling subject of applications 24/00657/DPDP3J and 24/00651/FUL)

SITE AND PROPOSAL

1. This application follows two recent approved applications at La Vallee Farm, Wadham Park Avenue. These include application reference 24/00651/FUL which proposed to add additional windows and openings to the existing meat cutting building and 24/00657/DPDP3J which proposed to change the use of that same building to residential. This has been outlined within the relevant planning history below.
2. The wider La Vallee Farm site has been subject to other change of use applications, seeking to residentially intensify the site.
3. This applicant seeks to demolish the existing building, and replace that with a dwellinghouse, taking into account the fall-back positions given the approved applications above.
4. The dwellinghouse would have a new hipped roof form, with an increased height compared to the flat roof, but with an identical footprint of 144 sqm when comparing the new to the existing building.

RELEVANT PLANNING HISTORY

86/00223/FUL - ERECT DETACHED TWO STOREY DWELLING – Permitted

86/00239/FUL - SIDE EXTENSION TO FORM SHOP – Permitted

87/00929/FUL - DETACHED DOUBLE GARAGE – Permitted

87/01021/FUL - ERECT HAY AND STRAW BARN – Permitted

19/00760/DPDP3M - Notification for prior approval for proposed change use of two agricultural buildings into four dwellings – Deemed Consent

20/00988/FUL - Replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M). – Permitted

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

22/00581/OBL - Modification of a Legal Agreement - Restriction of disposal of estate in connection with the erection of a replacement dwelling under planning reference ROC/223/86 – Agreed

24/00019/FUL - The erection of one self-build dwelling in lieu of the prior approval for the conversion of a former farm shop into one dwelling (reference: 22/00257/DPDP3J). – Refused

24/00105/FUL - Application to vary condition 3 (approved plans) of planning consent ref. 20/00988/FUL (replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M) to allow for changes to the layout of the site and the design of dwellings to plots 1 and 2. - Permitted

24/00292/DOC - Discharge of condition no 2 (Materials) of planning permission 20/00988/FUL dated 02/11/2021 – Discharged

24/00657/DPDP3J - Application for determination as to whether Prior Approval is required for the proposed change of use of the building from former farm office (Use Class E) to a dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). – Undetermined

25/00404/DPDP3M - Application to determine if Prior Approval is required for the proposed change of use of a building from Class E to 1 no. dwelling (Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). – Prior Approval Not Required.

25/00409/FUL - External alterations in conjunction with prior notification for the change of use of a former cutting room into a dwelling – Permitted

MATERIAL PLANNING CONSIDERATIONS

5. 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.

6. 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

National Planning Policy Framework

7. The application site lies within the Metropolitan Green Belt, as designated in the Council's adopted Allocations Plan (2014). Accordingly, the proposed development must be assessed against local and national Green Belt policies. There is a general presumption against inappropriate development in the Green Belt, and development should not be approved except in very special circumstances. Policies GB1 and GB2 of the Core Strategy aim to direct development away from the Green Belt where possible, and seek to protect the Green Belt's openness and function in line with the purposes set out in the National Planning Policy Framework (NPPF).
8. Paragraph 153 of the revised NPPF (2024) requires that substantial weight be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 154 outlines exceptions where certain forms of development may not be inappropriate, including under paragraph 154(d), which permits the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
9. In this case, the proposed development cannot be considered appropriate under paragraph 154(d) as it does not represent a replacement building in the same use - the existing structure was a meat-cutting facility (Use Class B2/Sui Generis), and the proposed development is for a residential dwelling (Use Class C3). Therefore, regardless of the proposed dwelling being similar in size to the existing building, it does not meet the same-use requirement as fundamentally any previous planning permission or permitted development approval / confirmation has not been implemented. This is a fundamental and key legal point. The proposal is therefore inappropriate development in the Green Belt unless very special circumstances apply.

Very Special Circumstances – Fallback Position

10. Despite the above, fallback positions can be a material planning consideration where there is a realistic prospect that a fallback could be implemented. As established in national case law, fallback positions that could be implemented at any time may justify approval of

alternative schemes, provided that the alternative does not result in greater harm to the Green Belt or other planning interests.

11. In this case, permission has already been granted for the change of use of the meat-cutting building to a residential dwelling under Class MA (commercial to residential) prior approval. This fallback conversion scheme was considered lawful, and there remains a realistic possibility of implementation.
12. The proposed replacement dwelling would occupy the same footprint as the fallback scheme, while achieving a reduction in the overall built mass and site coverage through the removal of the adjacent barn. It would also deliver a higher-quality, more sustainable form of residential accommodation and present a design that is better aligned with the character and appearance of other approved bungalows on neighbouring plots.
13. Although the proposal does not strictly comply with paragraph 154(d) of the NPPF, due to the difference in use, the fallback position provides a realistic and material justification for the scheme, with a preferable design and a layout more likely to be beneficial to the new occupier. In this context, the replacement dwelling would not result in materially greater harm to the openness of the Green Belt than the lawful fallback conversion, and this consideration carries significant weight in favour of the proposal, amounting to the very special circumstances required to justify approval.

Design

14. Chapter 12 of the 2024 National Planning Policy Framework (NPPF) emphasises the importance of 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 further 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 design innovation that respects its context.
15. These principles are supported at the local level by Core Strategy Policy CP1 and Development Management Plan Policy DM1, which require development to respect local character, scale and form. Policy DM30 further seeks to ensure that development in rural areas protects landscape character. Supplementary Planning Document 2: Housing Design (SPD2) also provides guidance on appropriate rural design and site layout.
16. The proposed dwelling is single-storey with a low-profile hipped roof, echoing the design of adjacent bungalow properties. Its modest scale and massing would not appear intrusive in the rural surroundings.

While the building is set back from the road and outside the defined settlement boundary, it is visually read as part of a loose-knit cluster of buildings, including the applicant's existing farm buildings and other nearby dwellings.

Overall, the proposal is considered to be appropriate in design and scale, and would not appear obtrusive or out of character in this semi-rural location.

Residential Amenity

17. 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.
18. The dwelling is positioned to avoid direct overlooking of neighbouring buildings and is of single-storey scale, which limits any dominance or overshadowing. The layout allows for a private rear garden in excess of 100m², as required by SPD2.
19. No objections have been raised on amenity grounds. It is concluded that the proposal would not adversely affect the amenity of neighbouring occupiers or future residents.
20. To ensure that any potential for side-to-side overlooking is suitably mitigated—particularly where garden boundaries lie adjacent—a condition is recommended requiring details of boundary treatments to be submitted and approved by the Local Planning Authority. This will ensure an appropriate level of privacy is maintained for both existing and future occupiers.

Refuse and Waste Storage

21. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclate (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).
22. The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage/garage to accommodate the refuse bins.

Technical Housing Standards

23. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The

changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

24. 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.
25. 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.
26. The proposed dwelling is shown on the submitted plans as a 3-bedroom property. Based on the internal measurements, all three rooms meet the minimum space requirements for a 6-person occupancy. The dwelling is therefore assessed as a 3-bedroom, 6-person unit in line with the nationally described space standards.
27. A 3-bedroom, 6-person, single-storey dwelling is required to provide a minimum gross internal area (GIA) of 95m² and at least 2.5m² of built-in storage. The submitted plans confirm that the dwelling exceeds both requirements and therefore complies with the national space standards and Policy DM4 of the Rochford Development Management Plan.

Garden Area

28. Rochford District Council's Supplementary Planning Document 2 (SPD2): Housing Design requires that three-bedroom dwellings be provided with private garden areas of at least 100m².
29. The submitted plans confirm that the proposed dwelling would benefit from approximately 185m² of private garden space. This exceeds the minimum requirement and is considered acceptable and appropriate for the rural character of the site, offering generous external amenity for future occupants without giving rise to overdevelopment.

Landscaping

30. No detailed landscaping scheme has been submitted with the application. Given the rural character of the site, the use of native planting and appropriate boundary treatments are required, also providing privacy to adjoining occupiers. A condition will therefore be imposed requiring the submission and approval of a full landscaping

and boundary treatment plan, with agreed details in terms of planting to be implemented and maintained for a minimum period of five years.

Highway Safety

31. The Council has recently adopted the Essex Parking Guidance (2024), which now supersedes the previous 2009 guidance for Rochford.
32. This dwelling is considered to be in an area of low to moderate connectivity.
33. The proposal includes a new driveway for the dwelling. The hardstanding proposed is sufficient for the parking of two cars each with bay sizes which would both meet the above standards of 5.5m x 2.9m.
34. The Highway Authority have been consulted on the application and have stated that the proposal has adequate shared access and turning is included, therefore: from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions.
35. It is not considered that the proposal would give rise to highway safety impacts.

Ecology and Trees

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

36. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
37. 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

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

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

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

41. Policy DM25 (Trees and Woodlands) of the Council's Development Management Plan requires that development should conserve and, where possible, enhance existing trees and woodlands, with particular protection afforded to Ancient Woodland. Development likely to have a direct or indirect adverse impact on such features will only be supported where the benefits clearly outweigh the harm and appropriate mitigation can be secured. In this case, no trees are proposed for removal and there are no trees in close proximity that are subject to Tree Preservation Orders. It is therefore concluded that the

proposed development would not result in any adverse impacts to existing trees.

42. Given the nature of the site and its previously developed condition, there are no other ecological sensitivities or habitat features likely to be affected by the proposed development.

Flood Risk

43. Environment Agency flood risk mapping confirms that the site lies entirely within Flood Zone 1, where there is a low probability of flooding from rivers or the sea. The mapping also indicates that the site is not identified as being at risk from surface water flooding. In this context, the site is considered suitable in principle for residential development and does not trigger the need for a Sequential Test under paragraph 175 of the 2024 National Planning Policy Framework (NPPF).
44. While the site is not at flood risk, it is necessary to ensure that surface water runoff from the development is appropriately managed.
45. In the absence of a detailed drainage strategy, it is considered reasonable and necessary to impose a condition requiring the submission and approval of a sustainable surface water drainage measures prior to commencement of development. This will ensure that flood risk is not increased on or off site and that appropriate long-term drainage arrangements are secured in the interest of flood resilience and environmental protection.

Foul Drainage

46. The submitted foul drainage form indicates that a private treatment plant (Klargester BioDisc) is proposed, which is understood to be necessary due to the absence of a mains sewer connection at the site.
47. Given the scale and nature of the proposal, and the suitability of the proposed treatment method, it is considered that the site is capable of safely managing foul drainage. The detailed design, installation and maintenance of the system will be subject to control under the Building Regulations, which will ensure that the final drainage arrangements meet the required environmental and public health standards.

Biodiversity Net Gain

48. Under the Environment Act 2021, as of February 2024, most planning applications are subject to the requirement to achieve a minimum 10% biodiversity net gain (BNG), in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended) and paragraph 186 of the NPPF (2024). The requirement is reflected in Natural England's statutory metric tools and guidance and is intended to

ensure measurable improvements to biodiversity value resulting from development.

49. In this case, the applicant has confirmed on the planning application form that the BNG requirement does not apply to this proposal on the basis of the “de minimis” exemption, which applies to sites under 25m² or developments where the land is 100% hard surfaced. The submitted justification states that the site is 100% hard surfaced, meaning it is not within the scope of mandatory BNG under current legislation.

Equalities and Diversity Implications

50. 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.

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

52. 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

53. APPROVE, subject to conditions

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council : No comments received

Neighbours: No comments received.

ECC Highway Authority – no objections subject to conditions.

Relevant Development Plan Policies:

- National Planning Policy Framework 2024

- Core Strategy Adopted Version (December 2011) - CP1, H1, T1, T8
- Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM27, DM30
- Essex Parking Guidance (2024)
- Supplementary Planning Document 2 (January 2007) – Housing Design
- The Essex Design Guide
- Planning Practice Guidance (PPG)

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced Location Plan (undated), WLF- 303 dated 02/2025 and WLF- 301 dated 01/2024

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and

Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

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

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

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

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

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

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

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

7. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveway of the development, which shall include either porous materials or details of sustainable urban drainage measures shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of the hard surfaces to form the driveway. The development shall be carried out in accordance with the approved details.

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

8. 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 and DM30 of the Rochford Council Development Management Plan.

9. Areas outside of the curtilage of the site shall not be used for the purposes of reception and storage of building materials.

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 and DM30 of the Rochford Council Development Management Plan.

10. On the first occupation of the development a 7kW active EV charging point shall be provided and fully operational.

REASON: To ensure that the development incorporates sustainable design and promotes a reduction in reliance on diesel and petrol vehicles in compliance with table 4.1 of the 2024 Essex Planning Officers Association Parking Guidance (Part 1 Parking Standards Design and Good Practice) (September 2024).

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr J R F Mason Cllr P Capon

Application No:	25/00354/FUL Zoning: Metropolitan Green Belt
Case Officer	Mr Harry Goodrich
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land South of Rawreth Gardens Chelmsford Road Rawreth
Proposal:	Erection of Storage (Use Class B8), Office and Workshop (Use Class E(g) Buildings in Lieu of Existing Buildings in Same Use and associated hardstanding

SITE AND PROPOSAL

1. The site comprises a mixed-use development comprising of B8 and Class E including office use. The site itself forms part of a wider gardening enterprise and utilises an existing parking area accessed from Chelmsford Road.
2. The proposed development involves the erection of a new B8 unit, a new office building and a new workshop space (Class E) in lieu of existing buildings on the site that currently sit within the same use classes.

RELEVANT PLANNING HISTORY

3. There is no relevant planning history in relation to development of this type on the site.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt

6. When considering whether the site is previously developed land within the Green Belt, it is important to understand the usage of the site, as well as how long it has been in its stated use for. In this instance, using satellite images, it can be established that the area proposed for

development had begun being used in its current usage at least prior to 2000. As such the land can be confirmed in its current use class through the passage of time.

7. As such if the site is considered previously developed land in the Green Belt then Policy DM10 is most important in the decision making process.
8. Policy DM10 provides a number of criteria that must be met for development of this time to be seen favourable within the Green Belt. I have addressed each of the criteria below;

Proposals for other uses not promoted by Policy GB2 of the Core Strategy (such as office, commercial, leisure, and community uses) will be permitted provided that:

- (i) *it can be demonstrated that locating the proposed development on employment land, in a town centre or edge-of-centre location would not be appropriate, viable and/or deliverable;*

No information in relation to any alternative sites have been provided as part of this application, however given that the proposal does not introduce a new use to the site and taking into account that the application site forms part of an existing commercial business, the consideration around alternative sites is not relevant in this case.

- (ii) *the proposed development is well related to a defined residential settlement if appropriate having regard to the type of development proposed and potential impact on residential amenity;*

The proposed development is located under a mile from the defined residential settlement of Rawreth and utilises an existing site. There are considered to be no impacts upon residential properties or their amenity.

- (iii) *the proposed development has good connections to the strategic road network;*

The proposed development is located around 0.2 miles from the A1245, and some 2 miles from the A130. This gives the site good access onto the strategic road network.

- (iv) *the proposed development would promote sustainable transport modes;*

The proposed development would be located 0.1 miles from the bus stop located at Goose Cottage to the North and this passes the site on its way to Southend. The frequency of this bus is approximately every 3 hours so whilst some reliance on the

private motor vehicle is to be expected, the site does have the ability to offer alternative transport options. Given the scale of development a Travel Plan is not required to support the application.

- (v) *it would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;*

The proposal would not have any undue impacts on areas of international, European and local nature conservation importance, nor that of the historical environment.

- (vi) *the proposed development is located within the South Essex Coastal Towns landscape character area.*

The site is not within the South Essex Coastal Towns Landscape Character Area.

Development of previously developed land should not undermine the five purposes of including the land within the Green Belt.

Any development which is permitted should be of a scale, design and siting such that the openness of the Green Belt and character of the countryside is not harmed, and nature conservation interests are protected.

9. Paragraph 154 of the NPPF details that development in the Green Belt should be considered inappropriate unless one of the exceptions listed within the policy apply. Of particular importance in this instance are points (b) and (d) which state;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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.

In respect of whether the proposal preserves the openness of the Green Belt, it is important to understand what currently occupies the development site and whether the new development would result in a reduction in openness of the Green Belt. Currently the site contains a number of buildings that are to be replaced by the proposed development. These buildings are of varying scales, however the replacement building is to be largely positioned within the footprints of the existing buildings to be replaced. The development therefore is not considered to result in any significant impacts to the openness of the Green Belt.

10. Considering openness, attention should be drawn to *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) (2020)*. Here the judgement considers how openness is interpreted and how its assessment can vary depending on a site specific situation. Paragraph 23-25 of the judgement details how openness could be seen as an area free from development and as such free from any visual impact.
11. In this instance, the buildings will be located to the western edge of the site, largely screened from the public domain and as previously stated they are to be largely located within the existing footprints of the existing buildings on the site within the same use. As such the proposed impact on the openness of the Green Belt is considered to be negligible.
12. Point (d) of paragraph 154 of the NPPF states;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
13. In this instance the proposed buildings are to be retained in their existing use, however they are to be replaced with buildings that are more appropriate in their uses and will be more efficient in their usage.
14. The buildings currently comprise around 437m² of floorspace across all the buildings with the proposal offering a slight reduction in overall floorspace at 412m². As such the proposed buildings are to not be materially larger than the ones that they replace and will meet the aims of paragraph 154 (d) of the NPPF.
15. Paragraph 155 of the NPPF also details a number of exceptions for development in the Green Belt, in this case point (c) is of most importance. This states;

The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.

The site is located outside the settlement of Rawreth, with some direct links to sustainable travel options. The bus stop can be accessed from a footpath along the public highway from the site. Whilst there may be alternative sites across the district that may offer more sustainable options, when taken as a whole and considering the existing business use on the site, the development is considered to be appropriate within its setting and is considered to be a sustainable location when considered against the aims of the Framework.

Impact on Character

16. The proposal is comprised of three buildings of similar design and finish. The first is a two-bay unit, approximately 16m wide at its widest point, with a flat roof that is approximately 3.4m in height.
17. The second of the units is a three-bay unit, approximately 22m wide at its widest point, bearing a roof height of 3.4m.
18. The third and final unit proposed is another two-bay unit, approximately 18m in width, bearing a roof height of 3.4m. All three buildings have a depth of approximately 8.5m and are open plan internally.
19. The proposed buildings are of a uniform scale and design, they are positioned to the rear of the site, away from the public domain. As such the proposed development, by virtue of its scale would not result in any significant impacts on the character of the area or the openness of the wider Green Belt and as such the proposal is therefore considered to meet the aims of paragraph 154 of the NPPF.

Impact on Residential Amenity

20. The proposed building, by virtue of its location within the site is unlikely to result in any undue impact on residential amenity. The closest residential properties are to the North of the site and are screened through existing hard landscaping as well as limited mature soft landscaping. The proposed development will form part of the existing commercial enterprise and is not considered to encroach on residential amenity such that impact on residential amenity is a concern.
21. The proposed development is therefore considered to be of an acceptable scale, position and form that will not result in undue impacts on the amenity enjoyed by neighbouring residential dwellings. The proposal is therefore considered acceptable in this regard.

EV Charging Points

22. Although the development involves replacing existing buildings the development nevertheless must be considered in the light of the 2024 Essex Planning Officers Association Parking Guidance (Part 1 Parking Standards Design and Good Practice) (September 2024) adopted for development control in 2025 which sets out the rationale for development with emphasis on promoting choice of travel and sustainable forms of transport. Section 4 of the standards focus on EV charging points setting out a rationale for their inclusion as an intrinsic aspect of design. Table 4.1 indicates that for B8 use at least 20% of the total parking spaces should have active EV charge points plus a further 30% of the total to have passive charging provision of a 7kW charge specification.

23. The layout plan does not show this or reflect this policy provision and therefore a planning condition is attached requiring this provision prior to the first use of the new buildings.

BIODIVERSITY

24. 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 for most development.

25. The proposed development has been assessed by the Authorities Ecology consultant, and it has been determined that suitable BNG has been provided to meet the 10% subject to a number of conditions which will be applied to the application.

26. When considering whether the proposal constitutes significant net gain, the starting point is the baseline level of the site. This comprises habitat and hedgerow. These levels are;

- The on-site baseline biodiversity value is +1.45 Area-based Habitat Units.
- The on-site baseline biodiversity value is +0.68 Area-based Hedgerow Units.

27. The proposed BNG to be delivered comprises of;

- The proposed development will create a net gain of +0.28 Area-based Habitat Units.
- The existing hedgerow will be enhanced. The proposed development will create a net gain of +0.08 Area-based Hedgerow Units.

28. The combined net gain is therefore around 0.36 net units and under half a unit in net gain. This is therefore considered when taken as a whole not to represent significant net gain and would not require the imposition of a legal agreement to deem the development acceptable.

EQUALITIES AND DIVERSITY IMPLICATIONS

29. 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.

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

31. 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

32. The proposal would represent appropriate development within the Green Belt. The development would make use of previously developed land, support an existing commercial enterprise and provide alternative modes of sustainable transport to access the site. The development is therefore considered acceptable and recommended for APPROVAL.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

Neighbours: None Received.

ECC Highways: No Objections to the proposed development subject to conditions.

ECC BNG: No Objections subject to conditions.

Parks and Woodlands: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024)

Core Strategy Adopted Version (December 2011) GB1

Development Management Plan (December 2014) – DM1, DM10

Essex Parking Guidance (2024)

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 hereby approved shall be carried out in total accordance with the approved drawings referenced;

- 21.7466/P202
- 21.7466/P203
- 21.7466/P204
- 21.7466/M001
- 21.7466/M002
- 21.7466/M006
- 21.7466/M007
- 21.7466/E101
- 21.7466/P201

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

- 3) Prior to first beneficial use of the development, the existing vehicle access at the southeast shall be provided with a surface of no unbound material for the first 6 metres from the back edge of the highway boundary, (behind the inward opening gate) into the site.

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

Note: The applicant should be advised to cut back the overhanging trees at this access, to ensure that vehicles can safely use the access.

- 4) Prior to first beneficial use of the development and as shown in principle on planning drawing 21.7466/P201 Rev, the turning head shall be provided south of block C. The facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

- 5) Prior to first beneficial use of the development, adequate off-street parking spaces shall be provided in accordance with the current standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

- 6) Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7) ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ ecology Ltd, February 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

8) PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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:

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

9) PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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).

10) Notwithstanding the details of the revised and approved Site Layout Plan reference 21.7466/P201 Rev A prior to the first use of any new building (unit) at least 20% of the total parking spaces shall be served by 7kW active EV charge points. In addition further 30% of the total shall be served by passive charging provision of a 7kW charge specification.

REASON: To ensure that the development incorporates sustainable design and promotes a reduction in reliance on diesel and petrol vehicles in compliance with table 4.1 of the 2024 Essex Planning Officers Association Parking Guidance (Part 1 Parking Standards Design and Good Practice) (September 2024).

The local Ward Member(s) for the above application are Cllr J Newport, Cllr C Stanley & Cllr J E Cripps.

Application No :	25/00419/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Stambridge Parish Council
Ward :	Roche North And Rural
Location :	Stewards Elm Farm Stewards Elm Farm Lane Stambridge
Proposal :	Variation of condition no.2 (approved plans) of Planning approval 24/00383/FUL Date of Decision: 02/10/2024 to allow changes to the external finish on plots 1 and 5 (brick instead of render)

SITE AND PROPOSAL

1. The application site lies to the west of Great Stambridge. According to the Councils GIS database the application site is located wholly within the Metropolitan Green Belt. The application site is an irregular shaped parcel of land which measures approximately 5037m². Some of the boundaries to the site are demarcated by patchy mature native hedgerows which are punctuated at sporadic intervals by mature trees. Access into the site is directly via Stewards Elm Farm Lane, which is a single width road. Located immediately to the south of the subject site is Stewards Elm Farm, a large detached 2 storey dwellinghouse. Furthermore, there are several ponds in close proximity of the application site.
2. The application site contained several buildings some of the buildings are in much better condition than others. Additionally, there was also a large amount of hard standing. The existing buildings on site were of a simple and functional design and previously had been used for equine purposes and storage.
3. The proposal seeks planning consent for the variation of condition 2 (approved plans) pursuant to planning permission reference 24/00383/FUL to allow changes to the external finish on plots 1 and 5 (brick instead of render).

RELEVANT PLANNING HISTORY

4. Application No. 97/00099/FUL - Construct Earth Embankment – Withdrawn - 03.04.1997
5. Application No. 98/00043/FUL - Single Storey Rear Extension. (Alterations to Existing Garage to Form Habitable Accommodation) (Revised Submission Following Application F/0298/97) – approved - 26.02.1998

6. Application No. 02/00140/FUL - Single Storey Rear Extensions, Chimney Stack and Construction of Swimming Pool – Withdrawn - 24.04.2002
7. Application No. 02/00972/FUL - Single Storey Extensions to Dwelling Together with Demolition of Parts of Existing Building – Refused - 02.01.2003
8. Application No. 04/00131/LDC - Lawful Development Certificate. The Covered Area and Utility Room to the Rear of the Property were Erected and Substantially Completed more than 4 Years Prior to the date of this Application – Permitted - 02.08.2004
9. Application No. 04/00662/FUL - Two Storey Building to Provide Garage and Storage Complex – Withdrawn - 04.10.2005
10. Application No. 05/00064/FUL - Infill Below Rear Canopy Structure to Form Day Room – Refused - 24.03.2005
11. Application No. 05/00471/FUL - Demolish Utility Room Extension and Existing Canopy and Erect a New Rear Extension in the Location of the Canopy – Approved - 27.07.2005
12. Application No. 18/01192/FUL – Proposed Detached House and Detached Garage – Refused - 19.07.2019
13. Application No. 21/00663/LDC - Application for a Lawful Development Certificate for existing use of site as Equine Facility and Riding Stables (use class D2) – Refuse LDC - 11.08.2021
14. Application No. 22/00025/LDC - Lawful Development Certificate for existing use of Stewards Elm Farm as Equine Facility and Riding Stables D2 Use – Permitted LDC - 08.03.2022
15. Application No. 24/00290/FUL - Construct 2no. replacement fishing lodges and form new access track and parking area – Refused – 19th September 2024
16. Application No. 24/00383/FUL - Demolish existing buildings and construct 6 no. dwellings with associated landscaping, access, refuse store and car and cycle parking provision including 1 no. detached garage and a detached garage block to serve the existing dwellinghouse Stewards Elm Farm – Approved – 2nd October 2024
17. Application No. 24/00792/DOC - Discharge of Condition 3 (External materials) Condition 5 (Boundary Treatments) Condition 6 (Arboricultural report) Condition 10 (Hard and Soft Landscaping) Condition 12 (Flood resilient materials) Condition 17 (Construction Management Plan) Condition 21 (Water Vole Mitigation Strategy) of

planning permission 24/00383/FUL dated 02/10/2024 – 30th December 2024

18. Application No. 24/00815/DOC - Discharge of Condition 6 (protection plan and arboricultural method statement) of planning permission 24/00383/FUL dated 02/10/2024 – 26th March 2025
19. Application No. 24/00831/FUL - Variation of condition 2 (approved plans) pursuant to planning permission reference 24/00383/FUL (Demolish existing buildings and construct 6 no. dwellings with associated landscaping, access, refuse store and car and cycle parking provision including 1 no. detached garage and a detached garage block to serve the existing dwellinghouse Stewards Elm Farm) to allow for revised plans including re-position 4 block garage serving main house, realign proposed access road into site, move plots 1 and 2 slightly northwards, relocate passing bay, addition of second passing bay and enlarged turning head – Approved – 22nd January 2025
20. Application No. 25/00089/DOC - Discharge of Condition 14 (Biodiversity Enhancement Statement) of planning permission 24/00383/FUL dated 02/10/2024 – 22nd May 2025
21. Application No. 25/00175/DOC - Discharge of condition 15 (Ecology lighting report) of planning permission 24/00383/FUL dated 02/10/2024 – 23rd April 2025

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).
- Principle of Development
24. This application is solely a Section 73 application. Section 73 of the 1990 Act applies to applications to develop land without complying with conditions that are attached to a previous planning permission.
 25. Section 73 of the 1990 Act specifically provides that an application cannot be made under this section if the previous planning permission has already expired, nor can it be used to extend the time limit within which the development must be begun. Moreover, the LPA shall

consider only the question of conditions subject to which planning permission should be granted (so not its acceptability).

26. Furthermore, a S.73 application cannot be used to vary the description of the development nor to impose any new or amended conditions that are inconsistent with the description of development – see *Finney v. The Welsh Ministers* [2019] EWCA. In this case planning permission was granted for (amongst other things) for “*The installation and 25-year operation of two wind turbines, with a tip height of 100m*”. The application was subsequently approved with a condition requiring the proposal be constructed in accord with the approved plans. The developer submitted a S.73 application seeking to vary this condition to substitute the approved plans with a new plan which showed the wind turbine with a tip height of 125m. The Court ruled that Section 73 could not be used to vary the original planning permission in this way as to do so would either require a change in the description of the development to increase the height from 100m to 125m or would result in a condition that was inconsistent with the description of development – the condition would refer to a wind turbine 125m in height but the description of development would refer to a turbine 100m in height.
27. It is also important to add that the scope of a S.73 can be limitless see *Armstrong v. Secretary of State for Levelling-Up, Housing and Communities* [2023] EWHC 142 it was held that providing a variation is only proposed to the conditions of a planning permission and such variations neither requires a changes of description of the development nor is inconsistent with the description of development, there is no limit to the scope of change under Section 73.
28. In *Armstrong*, planning permission had been granted for “Construction of one Dwelling”. One of the conditions attached to the permission required compliance with various approved plans. The applicant submitted a S.73 application seeking to substitute the approved plans with new plans which proposed a building in a different form and style to the originally approved. The LPA refused the application stating that it sought to completely alter the nature of the development resulting in a development that would materially differ from the originally approved planning permission.
29. However, the Court ruled that there is nothing within S.73 which limits any application to vary or remove a condition to “minor material amendments” or “non-fundamental variations”. Providing that the application was limited to the non-compliance with a condition (and does not require a change in the description of the development nor is inconsistent with it) then it fell within the scope of Section 73.
30. Moreover, in granting permission under section 73 the Local Planning Authority may also impose new conditions provided the conditions do not materially alter the development that was subject to the original

permission and are conditions which could have been imposed on the earlier planning permission.

31. The general powers for Local Planning Authorities to impose conditions on the grant of planning permission are set out in sections 70 and 72 of the Town and Country Planning Act (TCPA) 1990, although statutory powers to impose conditions are set out in TCPA 1990, ss 73, 73A, 96A and Sch. 5 Pt.1. The Secretary of State (SoS) also has powers to impose conditions on Appeal in TCPA 1990, ss 77, 79, 177 and Sch. 6.
32. TCPA 1990, s.70 provides that where an application is made to the LPA for planning permission, the LPA may grant planning permission, either unconditionally or subject to such conditions as they think fit or refuse planning permission.
33. TCPA 1990, s. 72 provides that, without prejudice to the generality of TCPA 1990, s 70, conditions can be imposed on the grant of planning permission:
 - For regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorized by the permission;
 - For requiring the removal of any buildings or works authorized by the permission, or the discontinuance of any use of land so authorized, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.
34. Furthermore, Paragraph 56 of the NPPF 2024 states planning conditions may be used to make otherwise unacceptable development acceptable. Moreover, para 57 states *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*. Building upon this is para 58 of the NPPF which enunciates that planning conditions should only be imposed where they are:
 - Necessary;
 - Relevant to planning and to the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.
35. In determining a s.73 application the LPA may:
 - Grant the application with different conditions;

- Grant the application unconditionally (save for s91. S92 commencement)
 - Refuse the application.
36. The principle of development on this site has already been accepted as part of application 24/00383/FUL. This is solely a Section 73 application which seeks to either vary or remove condition No.2 (Approved Plans). According to the submitted plans and accompanying planning application form the applicant is proposing alter the materials used to construct plots 1 and 5, instead of utilising render the applicant is proposing to use facing brick.

Background Information

37. The application site is situated to the west of Great Stambridge and lies entirely within the Metropolitan Green Belt, as confirmed by the Council's GIS database. The site comprises an irregularly shaped parcel of land measuring approximately 5,037 square metres. Portions of the site's boundaries are defined by intermittent mature native hedgerows, interspersed with mature trees at various points. Access to the site is directly from Stewards Elm Farm Lane, a narrow single-width road.
38. Immediately south of the application site is Stewards Elm Farm, a large detached two-storey dwelling. Additionally, several ponds are located in close proximity to the site.
39. The subject site contained multiple buildings, varying in condition, along with a significant area of hard standing. The existing structures were simple and utilitarian in design, formerly used for equine-related activities and storage purposes.
40. Planning permission was subsequently granted for the demolition of the aforementioned buildings and construction six new dwellings, along with associated landscaping, access, and provision for car and cycle parking. The scheme also included the erection of one detached garage and a detached garage block to serve the existing dwelling at Stewards Elm Farm on the 2nd October 2024.
41. As previously alluded to, the applicant seeks to vary Condition 2 (Approved Plans) of 24/00383/FUL.
42. This condition states: -

“The development shall be undertaken in strict accordance with the plans referenced 1933 11C (Roof Plan) (as per date stated on plan 18th March 2024), 1933 36A (Area and Volume Calculations) (as per date stated on plan 18th March 2024), 1933 10B (Layout) (as per date stated on plan 18th March 2024), 1933 03B (Block Plan) (as per date stated on plan 18th March 2024), 1933 60A (Site Plan) (as per date

stated on plan 18th March 2024), 1933 59 (Site Levels) (as per date stated on plan 18th March 2024), 1933 02A (Location Plan) (as per date stated on plan 18th March 2024), 1933 17A (Plot 6 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 16A (Plot 5 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 15A (Plot 4 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 14A (Plot 3 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 13A (Plot 2 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 12A (Plot 1 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024) and 1933 34 (Garage Block Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024).

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”.

43. 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).
44. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
45. The case officer notes that the surrounding built environment is characterised by a diverse and eclectic palette of external materials, including render, various forms of cladding, and facing bricks in a range of colours and textures. This architectural variety contributes to a streetscape that lacks a rigid uniformity in terms of materials, allowing for a degree of visual flexibility within the local vernacular.
46. In this case, the principle of demolition of the various outbuildings and the erection of 6no. detached dwellinghouses has already been accepted under the extant permission.

47. In the previously approved scheme, the proposed dwellings on Plots 1 and 5 were to be finished in render, reflecting one of the common treatments observed in nearby properties. However, the revised plans now indicate that these dwellings will be constructed using facing brick for all elevations, under a concrete interlocking tile roof. The updated proposal also introduces limited areas of shiplap cladding: specifically, beneath the apex of the projecting gables on both plots, and a minor application beneath the eaves of the outrigger on Plot 1.
48. From a design and contextual integration standpoint, the case officer considers that the amended material palette remains compatible with the established character of the area. The use of facing brick aligns with materials already present in the immediate vicinity, while the restrained use of cladding adds a degree of articulation to the façades without appearing incongruous or visually intrusive.
49. Given the architectural variety within the street scene and the broader area, it is the officer's professional judgement that the proposed material changes will not give rise to any demonstrable harm to the character or appearance of the locality. On this basis, the proposal is considered to remain compliant with the aims and objectives of Policy BE.1 of the Local Plan, as well as the design principles and context-sensitive approach promoted within the NPPF.

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.
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 submitted plans confirm that there will be no alterations to the approved footprint, scale, or overall massing of the proposed dwellinghouses. Furthermore, the fenestration details remain unchanged from those previously approved under planning application reference 24/00383/FUL. The scope of this application is limited solely to seeking approval for a variation in the external materials proposed for plots 1 and 5, as outlined in the preceding sections of this report.

53. In light of the unchanged built form and retention of the approved window and door configurations, it is considered that the proposed amendments will not result in any material impact on residential amenity. Specifically, the development will not give rise to issues of overlooking, an undue sense of enclosure, or an unacceptable level of dominance over adjoining properties. The absence of such impacts ensures that the residential environment of neighbouring occupiers will be preserved.

54. Accordingly, the proposal is considered to remain compliant with the aims and objectives of Policy DM1 of the Development Plan, which seeks to safeguard amenity and ensure high-quality design. The application also aligns with the core planning principles and design objectives set out within the NPPF, particularly those relating to the creation of sustainable, well-designed places that respect the amenity of existing communities.

Other Matters

55. In view of the narrow scope of the proposed amendments, limited exclusively to the variation of external materials—it is considered that the application does not give rise to any substantive implications for other material planning considerations. The principle of development has already been established through the extant planning permission, and there are no proposed changes that would affect compliance with minimum standards relating to private amenity space, internal accommodation (including bedroom sizes), or overall layout. Furthermore, there are no alterations that would impact on the existing access arrangements, parking provision, or highway safety. Similarly, the proposal does not involve any works that would affect ecological features, landscaping, or the retention of trees previously identified as important within the approved scheme. As such, the proposal remains policy-compliant in all respects and does not trigger reassessment of these established matters.

Equalities and Diversity Implications

56. 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.

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

58. 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

59. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Stambridge Parish Council : No representation received.

Neighbours: 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) – policies CP1, GB1, GB2, ENV9, T3, T6.

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

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be begun before the 1st October 2027 (3 years from the date of grant of the original consent).

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended) by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be undertaken in strict accordance with the plans referenced The development shall be undertaken in strict accordance with the plans referenced 1933 11E (Roof Plan) (as per date stated on plan 18th March 2024), 1933 36A (Area and Volume Calculations) (as per date stated on plan 18th March 2024), 1933 10D (Proposed Layout) (as per date stated on plan 18th March 2024), 1933 03D (Proposed Block Plan) (as per date stated on plan 18th March 2024), 1933 60A (Site Plan) (as per date stated on plan 18th March 2024), 1933 59A (Site Levels) (as per date stated on plan 18th March 2024), 1933 02A (Location Plan) (as per date stated on plan 18th March 2024), 1933 17A (Plot 6 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 16B (Plot 5 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 15A (Plot 4 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 14A (Plot 3 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 13A (Plot 2 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024), 1933 12B (Plot 1 Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024) and 1933 34 (Garage Block Details: Floor Plan and Elevations) (as per date stated on plan 18th March 2024).

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

3. The external surfaces of the development hereby approved shall be carried out in compliance with those details submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024.

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

4. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
 - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.

- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

5. The boundary treatment of each of the plots hereby approved shall be carried out in compliance with those details submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024.

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

6. The development hereby approved shall be carried out in complete compliance with the arboricultural report and tree protection plan produced by Andrew Day Arboricultural Consultancy and is dated 8th November 2024 unless first agreed in writing with the Local Planning Authority. The arboricultural report and accompanying tree protection plan was submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality.

7. The development hereby approved shall be carried in full accordance with the tree protection plan produced by Andrew Day Arboricultural Consultancy dated 8th November 2024 and submitted as part of 24/00792/DOC. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees to be retained on the site. This protection shall remain in position until after the development works are completed and no material or soil 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.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be

permitted by virtue of Class(es) A, B, C, D and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site in the interests of the openness of the Green Belt given the consideration of the reduction in built form allowing for the openness of the Green Belt to be enhanced.

9. 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 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.

The applicant shall implement 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.

10. The development hereby approved shall be carried out in complete compliance with the landscaping details as shown drawing No. 1933 101 (Proposed Materials Site Plan) (received by the Local Planning Authority on the 12th November 2024) which were submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024.

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

11. The Landscaping scheme as approved 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.

12. The flood resilient and flood resistant measures which were produced by StoneMe Architecture and Interior Design and submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024 shall be implemented in full and thereafter retained in perpetuity, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure the ability of the approved buildings to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

13. 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 and fledging is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.

REASON: To safeguard protected species.

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in the revised Biodiversity Enhancements report (Ecology4U, March 2025 revised Proposed Landscaping Plan (Stone Me, 2024) and Biodiversity Enhancement Site Layout plan (no name or date given) as submitted as part of 25/00089/DOC and as confirmed by the Council's decision letter dated 22nd May 2025.

REASON: To enhance protected and priority species and habitats and allow the LPA to discharge its duties under NPPF 2023, and s40 of the NERC Act 2006 (as amended).

15. All mitigation measures and/or works shall be carried out in accordance with the details contained in the External Lighting report (Ecology4U, February 2025) as submitted as part of 25/00175/DOC and as confirmed by the Council's decision letter dated 23rd April 2025.

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 (Priority habitats & species).

16. 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 (Priority habitats & species).

17. The development hereby approved shall be carried out in complete compliance with the Construction Management Plan produced by StoneMe Architecture and Interior Design and submitted as part of 24/00792/DOC and as confirmed by the Council's decision letter dated 30th December 2024.

REASON: To ensure that the construction traffic is managed and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

18. Prior to first occupation of the development and as shown in principle on planning drawing 1933 10D, each dwelling shall be provided with off-street parking and turning areas. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

19. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

20. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, March 2024) as already submitted with the planning

application and agreed in principle with the local planning authority prior to determination of this application.

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

21. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Water Vole Mitigation Strategy produced by Ecology 4U and dated 21st October 2024 subject to the implementation in full of the submitted details and as confirmed by the Council's decision letter dated 30th December 2025.

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

The local Ward Member(s) for the above application is/are Cllr S Wootton Cllr Phil Shaw Cllr Mrs L Shaw

