



PLANNING APPLICATIONS WEEKLY LIST NO. 1772
Week Ending 29th 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 25th September 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **3rd September 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 – 25/00470/FUL – 9 Purdeys Way Rochford PAGES 2-8
- 2. Recommend Refuse – 25/00317/FUL - Land Adjacent Chichester Hall Cottages Old London Road Rawreth PAGES 9-16
- 3. Recommend Approve 25/00454/FUL Land Between Former Crouch Valley Showground and Rayleigh Main Sub Station London Road Rawreth PAGES 17-33
- 4. Recommend Refuse - 25/00436/FUL – Site of 4 and 6 Love Lane Rayleigh PAGES 34-52

Application No :	25/00470/FUL Zoning : Employment
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	9 Purdeys Way Rochford Essex
Proposal :	Internal alterations to create additional separate office with alterations to elevations to provide new independent access.

SITE AND PROPOSAL

1. The application site consists of an industrial unit located to the northwest of Purdeys Way in Rochford. The surrounding use is predominantly industrial and forms a quasi-industrial park. There are some commercial units used by the public in the immediate vicinity such as a JD Gym.
2. There is extensive planning history for the application site and a number of Change of Use applications have been granted by the District Council, however the lawful use of the building is currently Use Class B8 (Storage or Distribution)
3. The existing building is two-storey in nature and is constructed of render with a pitched roof. It appears to be several industrial units which now form one larger industrial unit.
4. The application seeks planning permission for internal alterations to create an additional, separate office to the front of the building and independent access to the offices and the wider industrial unit/warehouse.

RELEVANT PLANNING HISTORY

5. Application No. 25/00518/FUL - Alter and adapt carpark and grass verge to create additional park bays – Not Yet Determined.
6. Application No. 16/00325/ADV - Install 5 No. fascia signs to advertise businesss and products not associated with the premises 9 Purdeys Way. All signs to be non-illuminated – Refused - 15.06.2016.
7. Application No. 11/00645/FUL - Proposed 17.5m high Telecommunications Monopole with Head Frame Incorporating 12 No. Antenna and 3 No. Dishes, Ground Based Equipment Cabin Enclosed with Pallisade Fencing – Approved - 21.12.2011.

8. Application No. 01/00430/LDC - Application for a Lawful Development Certificate for an Existing Use Namely: Use of Building for Class B8 (Storage and Distribution) Uses – Permitted - 23.05.2002.
9. Application No. 86/00883/FUL – Extend Service Area and Change of Use of Parts of Service Area to Storage of Pallets and Waste Bin – Approved - 25.03.1988.
10. Application No. 86/00173/COU – Change of Use to Retail and Wholesale Purposes – Refused - 11.04.1986.
11. Application No. 85/00306/COU – Change of Use from General Industry with Ancillary Retail Facilities to Warehouse Distributing Centre with Ancillary Retail Facilities – Approved - 20.07.1985.
12. Application No. 84/00244/PD – Erect Non-Illuminated Sign Board – Approved - 30.04.1984.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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).

Impact on the Character of the Area

15. Policy DM1 of the Council's Development Management Plan states that the design of new development should promote the character of the locality and positively contribute to the surrounding natural and built environment without discouraging originality, innovation, and initiative. This is consistent with Paragraph 139 of the National Planning Policy Framework (henceforth, the Framework) which encourages development which raises the standard of design more generally in an area; development which is not good design should be refused.
16. The application proposes the installation of new access doors to the front elevation of the building. These are not considered significantly detrimental to the visual character of the existing building or surrounding street scene. By virtue of the nature of the industrial location to which the application site is located, there is no prevailing character of development nor overarching visual design. The proposed development is not considered to appear incongruous in this instance.

17. Materials used to external finishes of the development are proposed to be white uPVC. These are considered acceptable in design terms and would not appear out of character or otherwise incongruous. These can be secured by way of the standard materials condition.

Impact on Residential Amenity

18. Paragraph 135 (f) of the Framework 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.
19. Amenity is defined as a set of conditions that one ought to 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.
20. Purdeys Industrial Estate is a well-established employment area, with the nearest residential dwellings situated over 200m to the south-west. The application site has accommodated the existing building for many years, consistent with its formal allocation as employment land. This existing context is a key material consideration in assessing the impact of the proposal.
21. The site occupies a discreet position in the centre of the industrial estate, away from sensitive receptors. The application proposes only minor external alterations, including the addition of a front entrance door. As such, the development is not considered to give rise to any additional impacts on the amenity of neighbouring dwellings than could already exist by virtue of the existing development. In any case, the application site is located on a quasi-industrial estate and the surrounding use is predominantly commercial/industry.
22. Given these factors, the proposal is considered to have a negligible effect on residential amenity and to accord with Policy DM1 of the Development Management Plan, which seeks to protect the living conditions of neighbouring occupiers while facilitating sustainable economic activity.

Highways and Parking

23. The submitted application makes reference to prospective alterations to the parking arrangements within the wider site. It is important to emphasise, however, that such alterations do not fall within the scope of this application and are instead the subject of a separate planning submission (LPA ref. 25/00518/FUL). Accordingly, the current application must be assessed independently of those proposed changes.
24. Notwithstanding this distinction, Essex County Council, in its capacity as the Local Highways Authority, has been formally consulted on the present proposal. The Authority has confirmed that it raises no objection, indicating that the scheme would not give rise to any adverse impacts upon the operation or safety of the local highway network. On this basis, it is considered that the proposal demonstrates compliance with Policy DM30 of the Council's Development Management Plan.

Other Matters

25. The current building has industrial/warehouse space to the rear of the building and offices to the front of the building. Access between the two is possible through doors internally. It is acknowledged that this development appears to remove the access between the two in order to create an independent office space to the front of the building.
26. The submitted application indicates that the proposed internal alterations would remove the means of access between the front office accommodation and the warehouse area, thereby creating a self-contained office unit capable of functioning independently from the warehouse to the rear. No justification has been provided for this arrangement, and the Local Planning Authority considers that such alterations could effectively establish a separate planning unit, capable of being occupied or let independently. The applicant is reminded that the lawful use of the premises is within Use Class B8, wherein office accommodation is only permissible where it remains ancillary to the principal use of the building as a whole. Accordingly, it is considered necessary and reasonable to impose a condition on any grant of permission to ensure that the office accommodation remains ancillary to the warehouse use, in order to prevent the unauthorised creation of a separate planning unit, which would otherwise require a further application for planning permission for change of use.

Biodiversity Net Gain

27. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring a development to have a positive impact (the 'net gain') on biodiversity. A minimum of 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.
28. The application form states that the applicant believes that the net gain should not apply in this instance as the development meets the criteria for the de minimis exception. The Officer has reviewed the application and is satisfied that the de minimis exception applies in this instance; the development comprises of predominantly internal alterations, with the only external alteration being the addition of an entrance door. Furthermore, the application site is predominantly hardstanding, and the existing building is surrounded by a vehicular car park and therefore there would, in this instance, be no scope to create a net gain, nor a requirement to having regard to the nature of the development.

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 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. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council : No objections

Essex County Council Highways Authority: No objection. The proposal includes parking spaces and access to the loading bay from Rose Way, which is a private road, any alterations to the levels to gain access are a private matter. Additional off-street parking is re-provided within the layout. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

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

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policies CP1, H1, ED1, ED3.

Rochford District Council Local Development Framework Development Management Plan (December 2014) - Policies DM1, DM8, DM30, DM32.

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

The Essex Design Guide (2018).

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the following plans: TPA-P1-XX-DR-A-0100 (Revision P02), TPA-P1-ZZ-DR-A-1100 (Revision P03), TPA-P1-ZZ-DR-A-1101 (Revision P01), TPA-P1-ZZ-DR-A-2100 (Revision P01), TPA-P1-ZZ-DR-A-2101 (Revision P01), TPA-P1-ZZ-DDR-A-1102 (Revision P01).

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

3. The materials to be used in the construction of external surfaces of the development hereby permitted shall match those of the existing building or be those specified in the application unless alternative materials are first approved in writing by the Local Planning Authority.

REASON: To ensure the external appearance of the building/structure is acceptable in the interests of visual amenity in compliance with the Council's Local Development Framework Development Management Plan Policy DM1.

4. The office accommodation hereby approved shall be used solely for purposes ancillary to the use of the building as a warehouse within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied, let, or otherwise used as an independent planning unit.

REASON: To ensure that the office accommodation remains ancillary to the principal warehouse use and to prevent the creation of a separate planning unit, which would require a further application for planning permission for change of use.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.

Application No:	25/00317/FUL Zoning: Metropolitan Green Belt
Case Officer	Mr Harry Goodrich
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land Adjacent Chichester Hall Cottages Old London Road Rawreth
Proposal:	Demolition of existing building and construction of a two-bedroom detached chalet house.

SITE AND PROPOSAL

1. The site comprises an existing building that is currently utilised for storage within the grounds of Chichester Hall Cottages. The proposal is to remove this existing building and replace it with a two-bedroom detached chalet bungalow with associated parking.
2. The site neighbours an existing development in the form of residential dwellings and the New Chichester Hotel.
3. The site is located within the Metropolitan Green Belt and is assessed against the Councils policies in this regard.

RELEVANT PLANNING HISTORY

4. No relevant planning history.

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).
7. Policy H1 of the Councils Core Strategy details that the council will prioritise the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements identified by the Strategic Housing Land Availability Assessment. The proposal is outside the defined settlement of Rawreth and is therefore considered to be located in the countryside. The proposal therefore does not need to be assessed against this policy.

Green Belt considerations

8. 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 said use for. In this instance, using satellite images, it can be seen 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.
9. 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.
10. Policy DM10 provides a number of criteria that must be met for development of this type to be seen favourable within the Green Belt and which are addressed below;

Proposals for the development of residential, retail and other uses not promoted by Policy GB2 of the Core Strategy, such as office, commercial, leisure, and community uses, on previously developed land that is located in the Green Belt may be appropriate if it can be demonstrated that it would constitute sustainable development (i.e. all of the below criteria are met).

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

- (i) *is well related to a defined residential settlement;*

The proposal is in a location outside the defined settlement boundary for Rawreth, as well as the neighbouring Wickford and Rayleigh. The site is located around a mile from the residential built form of Rawreth, as well as around a mile from Wickford, and finally around 1.3 miles from Rayleigh. As such it can be seen that the site is not well related to the defined residential settlement.

- (ii) *is well related to local services and facilities;*

The settlement of Rawreth does not provide any services required for day-to-day living. The site itself has no services nor facilities, and the closest facility is that of the bus stop located on the A129, some 0.3 miles away along an unpathed, unlit single-track road. This means that to access daily services, reliance on the private motor vehicle is to be expected. The proposal responds negatively to this aspect of the policy.

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

The site is located in a location that has ready access to the A129, located under half of a mile away. The site is also a mile from the A1245. These roads lead onto the A130 and wider strategic access routes. The proposed development responds positively to this aspect of the policy.

(iv) *would promote sustainable transport modes;*

The site's location, away from services and facilities would promote reliance on the private motor vehicle given the extremely limited access to sustainable transport modes. The proposal responds negatively to this aspect of the policy.

(v) *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) *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.

11.Paragraph 155 of the National Planning Policy Framework 2024 (as amended) (NPPF) details that development of homes in the Green Belt should also not be regarded as inappropriate where all the following apply:

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;*

The proposed development does utilise grey belt land when considered as a whole does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The site does not involve unrestricted residential sprawl, does not result in neighbouring towns merging and does not impact the setting of any historical towns. The development therefore responds positively to this aspect of the policy.

b. There is a demonstrable unmet need for the type of development proposed;

The council at this current time cannot demonstrate suitable housing land supply (4.53 years). Whilst a single dwelling may not offer significant gains to the housing stock, the proposal would increase the stock available to the council and therefore responds positively to this aspect of the policy.

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

As detailed above, the site is located away from services, in a location whereby reliance on the private motor vehicle is almost crucial and would be located in a position whereby travelling on foot is likely to be considered unsafe given the highway layout and lack of pedestrian footway to the road network.

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

The proposal does not constitute major development and therefore would not be expected to meet the 'Golden Rules' as set out within paragraphs 156-157.

12. As discussed above, the site is located outside the settlement of Rawreth, with no direct sustainable transport links to the services provided within Rayleigh or Wickford. There are no footpaths along Old London Road that would provide suitable access into these locations where the services are to be located. As such sole reliance will be on the private motor vehicle to access the services available. As such the proposal, when taken as a whole, is not considered to represent sustainable development in line with policy DM10 of the Council's Development Management Plan as well as the aims of paragraphs 8 and 155 of the NPPF.

Design and Impact on Character

13. The proposed dwelling would be of a standard chalet style design, similar in scale and height to the dwellings currently existing within the Chichester Hall Cottages cluster and within the immediate surrounding area. The building is to utilise render and a clay tile roof to ensure the materials proposed are characteristic of the area. The dwelling is to have a width of 9.189m with a depth of 10.333m. The building itself is to have a floorspace of 115m² with two bedrooms in excess of 14 square metres and thus would equate to two double bedrooms. A space beneath the stairs and an additional store of 1.56 square metres in area would exceed the minimum 79 square metres gross and 2 square metres of built in storage as required. When looking at the Nationally Described Space Standards (NDSS) it can be seen that the dwelling is well above the national minimum requirement for internal living space.
14. THE Council's SPD2 – Housing Design sets out the garden size expected for different forms of residential development. A two-bedroom dwelling would be expected to have a minimum of 50m² if the second bedroom could not be subdivided further. In this instance the proposal is to provide 207m² of garden space. Therefore, being well above the standard.
15. The proposed development will include dormers in the roof slope providing liveable space at first floor level. The dwelling is to have living space, dining space, a utility and a w/c at ground floor level. The first floor is to include two bedrooms and a bathroom. The proposed windows within the first-floor bedroom spaces are to look out to the rear of the property and over the private amenity space, intervening land and then onto Old London Road. No dwellings would be located rear of this west facing outlook.. The dormer would thus not increase overlooking and would not result in undue impacts on residential amenity.
16. The proposed development, by virtue of its scale and location will not result in wider impacts to the character of the area, nor result in undue impacts on the Green Belt through inappropriate design.

Impact on Residential Amenity

17. The proposed dwelling, by virtue of its chalet style and position within the site is unlikely to result in any undue impact on residential amenity. The dwelling will form part of the residential cluster of dwellings that form Chichester Hall Cottages. The proposed dormer window within the roof slope is to overlook the dwellings proposed private amenity space as well as the far end of the amenity space of the neighbouring property. The proposed openings will not result in any overlooking of neighbouring private amenity space, and the scale of the dwelling is of such that it will not unduly dominate or overshadow the neighbouring properties.

18. The proposed development is therefore considered to be of a 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.

Highways Safety

19. The site is indicated to be in an area of low connectivity as set out within the Essex Parking Standards (2024). The proposal therefore is to include parking for dwellings on the site, off the public highway. The proposal has indicated two parking spaces to the front of the property, off the private driveway. These spaces have been considered by Essex County Council as the highways authority and are deemed acceptable. It has been assessed that the development is acceptable from a highways term subject to a number of conditions being placed on the application.

Biodiversity Net Gain

20. The proposed development has submitted a biodiversity net gain plan and the required metric as well as a bat survey. These have been considered by Essex County Council Place Services Ecology Team, and they have advised that insufficient information has been submitted at this time to support the proposal and that additional information by the means of details of survey results, mitigation & enhancement measures are required to make this proposal acceptable.
21. In addition to this, the ecologist is not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

EQUALITIES AND DIVERSITY IMPLICATIONS

22. 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.
23. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

24. 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

25. The proposed development is to be located within the Metropolitan Green Belt. Development in these areas are to be strictly controlled to ensure that inappropriate development does not take place. In this instance, the proposed development will be located outside the defined residential settlement, away from services, in a location whereby the private motor vehicle will be likely be the sole means of transport. In summary, given the above the proposed development is considered contrary to the aims of Policy DM10 of the Council's Development Management Plan , as well as paragraphs 8 and 155 of the National Planning Policy Framework (2024) (as amended).
26. The proposal fails to provide sufficient information in relation to European Protected Species (bats) as well as in relation to the delivery of Biodiversity Net Gain. The proposal therefore fails to enable the council to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended), prevent wildlife crime under s17 Crime and Disorder Act 1998 and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments to make.

Rochford District Council Arboricultural Officer: No Objection to the proposed works. Can see no tree loss. Recommends tree protection measures and method statement condition to any approval that might be given.

Cadent Gas: No Objection.

Essex County Council Highways: No Objection subject to conditions.

Essex County Council Place Services Ecology Team: Holding objection due to lack of sufficient information in relation to European Protected Species (bats) and Biodiversity Net Gain.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024 (as amended)

Core Strategy Adopted Version (December 2011) - CP1, H1, T1, T8

Development Management Plan (December 2014) – DM1, DM2, DM4, DM10, DM27, DM30

Essex Parking Guidance (2024)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

Planning Practice Guidance (PPG)

RECOMMENDATION: REFUSE

1. The proposed development is located within the Metropolitan Green Belt and as such development is strictly controlled to ensure the Green Belt is maintained. The proposal involves the creation of a dwelling within an unsustainable location away from services and residential settlement boundaries. The development would not meet the exceptions set out in Paragraph 155 of the National Planning Policy Framework (2024) (as amended), nor the aims of Policy DM10 of the Council's Development Management Plan. The development would therefore be considered as inappropriate development within the Green Belt further urbanising the site and leading to an increase in the built form in the locality detrimental to the open character of the Metropolitan Green Belt. .
2. The proposed development fails to provide sufficient information in relation to European Protected Species (bats) as well as in relation to delivering appropriate Biodiversity Net Gain. Without this information the council is unable to discharge its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended), prevent wildlife crime under s17 Crime and Disorder Act 1998 and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

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

Application No:	25/00454/FUL Zoning: Metropolitan Green Belt
Case Officer	Mr Duncan Law
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land Between Former Crouch Valley Showground and Rayleigh Main Sub Station London Road Rawreth
Proposal:	The installation of an underground high voltage (400kV) electrical cable and associated works.

SITE AND PROPOSAL

1. Full planning permission is sought for the installation of an underground high voltage (400kV) electrical cable and associated works on Land Between Former Crouch Valley Showground (opposite Arterial Park) and Rayleigh Main Sub Station.
2. The proposed electrical cable is required to connect the Rayleigh Battery Energy Storage System (BESS), subject to a separate planning application (reference 24/00455/FUL that benefits from a Committee approval subject to the signing of s106 legal agreement) to the Rayleigh Main Substation. The development as proposed will allow Rayleigh BESS to take electricity from the National Grid Electricity Transmission when demand is low, or supply is high and feed it back on to the grid when supply is low or demand is high.
3. The 600m grid connection cable route would be located entirely underground between the BESS site and the substation and will be installed by Horizontal Directional Drilling (HDD). HDD is a trenchless method used to install underground pipes, conduits, or cables using a surface-launched drilling rig. It minimises surface disruption and is commonly used for utility installations beneath roads, rivers, and other obstacles. In this instance, HDD has been chosen as the method for installation to avoid impacts to the road and railway.
4. The cable route is a standalone full planning application which will provide the applicant with permission to carry out engineering works to allow construction of a necessary electricity cable connection to the grid. The cable route application should be determined on its own merits, having regard to the approved solar farm and electrical substation applications. It is anticipated that the installation of the electrical cable would take approximately 10 to 12 weeks to complete.
5. Planning Permission is required as the proposed Engineering operations meets the statutory definition of development as set out in Section 55 of the 1990 Town and County Planning Act which is:
‘The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or any other land’.

6. Whilst the applicant has not sought to justify the proposal having regard to a fallback position, it is worth noting an option that the proposed cable route is potentially Permitted Development if carried out by a statutory undertaker rather than private company (Schedule 2, Part 15, Class B of the Town and Country Planning (General Permitted Development) Order 2015).

RELEVANT PLANNING HISTORY

7. Application No. 24/00455/FUL - Construct unmanned battery energy storage system (BESS) with a total import capacity of up to 480MW including installation of equipment within substation compound, acoustic and other boundary fencing, building to house customer control room, water tanks, laying of hard standing including to form internal access roads and siting of storage containers, some elevated. Alter existing vehicular access onto A1245 and form new (emergency) vehicular access onto A127 – Committee approval subject to the signing of s106 legal agreement.

MATERIAL PLANNING CONSIDERATIONS

8. 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.
9. 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

10. The proposed development involves engineering operational development for the laying of an underground electricity cable via directional drilling to install a cable from the Rayleigh BESS site and two construction areas on the National Grid. The UK Government's position on power is set out in the Overarching National Policy Statement (NPS) for Energy (EN-1), which recognises the importance of understanding and addressing landscape and visual impacts (Department of Energy and Climate Change, 2011). It includes a section on criteria for "good design" for energy infrastructure, which states that:

"Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good

aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.”

11. Additionally, Para 2.4.2 of EN-3 also states “Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology”.
12. Whilst NPSs are national policy for energy projects that are defined as Nationally Significant Infrastructure Projects (NSIP) identified by the 2008 Act, NPS EN-1 indicates that it may be a material consideration in decision making on applications that fall under the Town and Country Planning Act (1990 (as amended)). Therefore, although the proposed underground cable is not an NSIP, they do provide a context to assist in the determination of a planning application.
13. The underground cable will facilitate energy to be stored until required, NPS EN-1 indicates that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and to increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various benefits, locally and nationally. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NESO) and Distribution Network Operators (DNO) to help operate the system, reduce constraints on the networks and help to defer or avoid the need for costly network upgrades as demand increases.
14. Support for the proposed development is found in paragraph 168 of the National Planning Policy Framework (2024) (as amended) (NPPF) that requires that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.

15. Paragraph 161 of the revised NPPF implies that the planning system should support the transition to a low carbon future and support, amongst other things renewable and low carbon energy and associated infrastructure such as the proposed underground grid connection cable.

16. The Council's Development Management plan is silent on this type of engineering operation. However objective 7 of the DMP encourages the growth of renewable energy projects and the integration of on-site renewable or low carbon energy technologies for new developments, as appropriate.
17. Priority 9 of the Council's Core Strategy promotes the development of small and large scale renewable energy schemes and requires that the impact of such development on the character of the landscape would be a concern, but the Council will endeavour to be supportive.
18. Policy ENV6 of the Core Strategy relates to large scale renewable energy projects and states that planning permission for large-scale renewable energy projects will be granted if:
- *the development is not within, or adjacent to, an area designated for its ecological or landscape value, such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI's), Ancient Woodlands, Local Nature Reserves (LNRs) or Local Wildlife Sites (LoWSs); or if it can be shown that the integrity of the sites would not be adversely affected and:*
 - *there are no significant adverse visual impacts*

The underground cable would not be located within or adjacent to, nor would it adversely affect the integrity of any of the designated sites listed above and following the construction phase, the cable would be fully underground negating any significant adverse visual impacts in accordance with Policy ENV6.

19. It is therefore considered that adopted development plan policies and the updated NPPF are supportive of such proposals to support renewable energy production as they seek to realign energy generation to more sustainable and less carbon-based forms in the right locations. The land is proposed to be returned to its former use and as such the use is not considered sufficient reason to seek to refuse the proposal.
20. Accordingly, the main considerations for this application relate to Green Belt, landscape character and visual amenity, impact on Archaeology and heritage assets, highway safety, flood risk and drainage, noise, air, biodiversity and land contamination crime. The policies which examine the more specific circumstances are examined below.

Green Belt considerations

21. The application site is located within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposed development needs to be assessed against local Green Belt policies and in relation to the NPPF. There is a general

presumption against inappropriate development within the Green Belt and development should not be approved except in very special circumstances. Policies GB1 and GB2 of the RDCS seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt.

22. Paragraph 153 of the revised NPPF states when considering proposals affecting the Green Belt, local planning authorities should ensure 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. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. As per Paragraph 154 of the NPPF, development in the Green Belt is considered inappropriate unless one of the exceptions applies. The application meets exception h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, specifically ii. engineering operations.
24. Policy GB1 - Green Belt Protection of the Core Strategy is concerned with allocating the minimum amount of land within Green Belt land necessary to meet the district's housing and employment needs and states that:

'The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. Rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt'.

25. Although classed as development, the proposed installation of the underground cable is engineering works that are not considered to undermine the objectives or character of the Green Belt as the land would revert to its previous state when complete. The application site is not immediately adjacent to any urban built edge, being separated from it by open land or located within the highway. As a result, the proposed development would be visually discrete from existing development. Moreover, the remediation works following the proposed installation of the underground cable would revert the land to its former state that would retain the character and form. As such, the proposal would not be seen as the spreading out of any settlement and would not be contrary to this purpose nor diminish the openness of the Green Belt spatially.

26. Policy GB2 – Rural Diversification and Recreational Uses of the Core Strategy relates to the council's restrictive approach to development within the Green Belt, but with some relaxation for rural diversification, the proposed installation of the underground cable is considered engineering works therefore policy GB2 is not triggered in this instance.
27. The Planning Practice Guidance (PPG) indicates that when assessing the impact of a development on the openness of the Green Belt, the duration of the development and its remediability, and the degree of activity it would be likely to generate, are matters to take into consideration. The proposal would result in temporary disturbance during the construction phase following which the land would be restored to its previous use. In addition, apart from during the construction phase, the development would generate minimal activity.
28. The proposed cable route is engineering operational development to install a cable route underground that's meets the engineering operations exception of the NPPF. Overall, there would be limited harm in Green Belt terms set against significant benefits of the development in terms of supporting the growth in flexible energy supply and, due to the nature of the works proposed, could not be in a non-green belt location. As a result, the proposal is considered in accordance with Green Belt policy espoused in the NPPF and Policy GB1 and GB2 of the Council's adopted Core Strategy.

Design and Impact on the Character of the Area

29. Paragraph 8 of the NPPF sets out the three overarching objectives of the planning system. These include an environmental objective to "...to protect and enhance our natural, built and historic environment..." Paragraph 9 sets out that "...Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area...". The overarching objective to protect and enhance the natural, built, and historic environment is reflected in specific policies about: achieving well-designed places (Section 12); conserving and enhancing the natural environment (Section 15); and conserving and enhancing the historic environment (Section 16).
30. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan are applicable to the consideration of design and layout however they are mute on engineering works.
31. The proposed 600m cable route connection will give rise to some temporary visual changes and other temporary impacts however, as an engineering operation to install a cable underground it will not lead to permanent visible or spatial harms that would be contrary to Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan.

Impact on Residential Amenity

32. Policy DM1 of the Development Management Plan seeks to ensure that new developments avoid overlooking, ensuring privacy, and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
33. Any visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The proposed 600m cable route will principally be located on private land, within the highway verge of the A1245 and under the railway line, before heading into vacant land adjacent to the National Grid Substation. There are no residential properties located adjacent to this route and due to the topography, the degree of enclosure provided by the existing vegetation combined with the temporary nature of the potential for disamenity during the implementation phase, any adverse impacts would be negligible.
34. A Construction Noise and Vibration Management Plan submitted in support of the application confirmed that 'noise from the proposed construction tasks are expected to remain within the significance threshold prescribed by BS 5228 at all residential receptors closest to the construction site, across all assessed time periods and that the vibration levels expected to be generated by the HDD works are not considered significant in terms of potential building damage'. Consequently, the scheme as proposed is not considered to conflict with Policy DM1 of the of the Development Management Plan.

Archaeology and Heritage assets.

35. Paragraph 208 of the revised NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
36. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

37. The council's Heritage Consultant noted that the proposed cable installation route is in proximity to Grade II listed Beke Hall (List entry number 1112672), a timber framed and weatherboarded house of two storeys plus a cellar, that has been dated to the eighteenth century. Beke Hall has been identified by the applicants as a sensitive receptor for construction noise and vibration. Ground borne vibration has the potential to cause cosmetic and structural damage to buildings and following clarification that the drilling works would not result in any risk of cosmetic or structural damage to Beke Hall from the HDD works, no objections were raised. Furthermore, due to the cable being located underground, it is considered that no visual harm to any heritage assets would arise.
38. The proposed development will not result in any harm to the heritage significance of the listed buildings through alterations to their fabric, fittings and fixtures, the proposal would not remove any identified heritage asset or result in significant harm to the historic fabric of the listed buildings, or their setting and the application site is not located within or adjacent to a Conservation Area. The council's Heritage Consultant has been commented on this application and raised no objection. In making this assessment, it is considered that the proposed development would comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, specifically paragraph 208.

Highway Safety

39. Policy DM1 of the Council's Development Management Plan requires sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards. As no planning use is being implemented, there is no parking requirement generated.
40. The construction of the cable route connection would result in some limited additional traffic movements, but this would only be for a temporary period during construction. In the light of the lack of objection comments received by the highway's authority, and subject to conditions, these additional movements could be safely accommodated within the existing highway network and as such there are no adverse highway impacts to result from the development, and an accessible environment would be maintained as required by Policy DM30 of the Development Management Plan.

Ecology

41. Policy DM27 of the Development Management Plan states that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural

Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat.

42. The revised NPPF at chapter 15 'protect and enhance biodiversity and geodiversity' sets out government views on minimizing the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
43. Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact (net gain') on biodiversity, compared to what was there before development. In England, BNG was mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. However, due to the limited works proposed and as the only above ground works will be located at the HDD entry and exit points where matting will be laid to protect the existing vegetation, the proposed development will impact less than 25 square metres of onsite habitat and therefore meets the 'de minimis' exemption and Schedule 7A is not triggered in this instance.
44. As a result of the limited development proposed, the council can demonstrate compliance with statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended). It is considered that there will not be any significant impact to protected species or habitats as a result of the limited development and as such the proposal would not conflict with Policy DM27 of the Council's adopted Development Management Plan.

Trees

45. In achieving the overarching objective of enhancing the natural environment, paragraph 187b of the NPPF indicates that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including amongst other things trees and woodland. Policy DM25 of the Council's Development Management Plan seeks to protect existing trees particularly those with high amenity value. The Core Strategy states in section 8.4 regarding tree retention "The Council is committed to the protection, promotion and enhancement of biodiversity throughout the district. Biodiversity is the variety of living species on earth including well-known trees and animals as well as lesser-known insects and plants and the habitats that they occupy. It is an essential component of sustainable development."

46. The underground cable route will be located near to a wooded area to the east of the National Grid site though the indicated route underground will be via HDD and the pits would be located outside of any tree cover. There are no anticipated adverse impacts on any trees in accordance with Policy DM25 and as agreed by Rochford District Council's Arboricultural officer.
47. Consequently, it has been satisfactorily demonstrated that the proposed development could be implemented without causing significant immediate damage to trees, and it is considered that the proposal will not result in the loss of any trees of high amenity value and as such the proposal complies with policy DM25.

Drainage & Flood Risk

48. Paragraph 181 of the NPPF (2024) states: 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
49. Policy ENV3 – Flood Risk of the Core Strategy states that the Council will direct development away from areas at risk of flooding by applying the sequential test for development however makes no mention of engineering works.
50. A review of the Environment Agency's Flood Zones indicates that the areas on site where development will occur are located within Flood Zone 1 and therefore has a 'low probability' of flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year (<0.1%) although the route does pass under areas of flood zone 2. Environment Agency data shows that the site has not historically flooded. In terms of vulnerability classification, the proposed development is "essential infrastructure".
51. A sequential, risk-based approach to the location of development should be applied to development proposals, considering all sources of

flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. The site is principally located within Flood Zone 1 with a 'low probability' of flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). Flood Zone 2 is also present on the Site where the cable route runs underneath the A1245 highway. Given the location of the approved BESS and the only grid connection point offered by National Grid at Rayleigh Substation, there are no additional location options at a lower risk of flooding, as such, the Sequential Test is passed.

52. In the Planning Practice Guidance to the NPPF, appropriate uses have been identified for the Flood Zones. Applying the Flood Risk Vulnerability Classification in the Planning Practice Guidance to the NPPF, the proposed cable use is classified as 'essential infrastructure'. Table 2 of the Planning Practice Guidance to the NPPF states that 'essential infrastructure' uses are appropriate within Flood Zones 1 and 2 after the completion of a satisfactory FRA. A Flood Risk Assessment (FRA) accompanied the initial application for the BESS including the route of the underground cable that was reviewed in relation to the current proposals by David R. Murray & Associates LLP that concluded:

'by the nature of the process to install the underground cables, which is all subterranean, the Proposed Development will have no impact on the existing ground levels and will not alter the existing percentage of permeable or impermeable areas. David R. Murray & Associates LLP concluded that the Proposed Development will have no detriment to the current situation.'

53. The Exception Test comprises two tests:

Demonstrate that the wider sustainability benefits of the development to the community outweigh flood risk; and
Demonstrate that the development will be safe for its lifetime.

It is considered that the wider sustainability benefits to the community outweigh the limited flood risk. This is principally in terms of the climate change benefits of the proposals, which would contribute to generating and storing electricity from a renewable source. In addition, the proposed development would not increase flood risk elsewhere, the flood risk to the site can be managed and the site can be developed safely. The Environment Agency had no objections.

54. The cable route as proposed would be laid within a mechanically excavated trench for much of the route with horizontal directional drilling (HDD) proposed following which the land will be returned to its former state. The installation of the cable route would not result in any increase in the amount of hardstanding area on the Site and would be located wholly underground. As such, given the nature of the development, it would not have an impact on flood risk, the proposal is

considered to comply with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

EQUALITIES AND DIVERSITY IMPLICATIONS

53. 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.

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

55. 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

56. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: Objection.

The Council are concerned that the installation of a 400kV underground electrical cable will pose a significant risk to protected habitats and species in the immediate area and feel there are insufficient mitigation and long-term ecological management measures in place. The Council would also ask the question have full environmental impact surveys been undertaken, as within the vicinity of the sub-station are a number of natural ponds?

In addition, the Council feel there isn't adequate justification of the need for this installation and feel there is a lack of assessment of alternatives and insufficient public consultation. The Council also feel there is a failure to demonstrate adherence to technical best practices for high voltage cable installation in sensitive environments.

Applicant response:

We note that RPC's concern is primarily in relation to risk to protected habitats and species and a request for further habitat surveys. They also raise concerns about need for the development, alternatives and consultation. We would emphasise that the application is for a cable connection to allow an already consented BESS scheme to connect to the national grid and store much needed renewable energy to allow it to be released at times of higher demand. National policy is clear on the need for such development, and this has already been established by the planning permission for the BESS. In relation to alternatives and consultation, the cable connection is for a very short corridor (approximately 600m in length), underground with limited impacts on the surrounding environment. The alternative of an over-head connection would be much more significant in impact terms.

RPC do not appear to have raised comments on the BESS proposal itself, which was accompanied by a number of ecological surveys and reports which demonstrated that the impact on habitats and species had been appropriately assessed, and mitigation provided. The cable itself has limited impacts above ground. As noted in the covering letter, there will be 3 no. small construction areas to allow the entry of the HDD, an intermediate pit and a launch reception pit. At the end of the works, the Site would be returned to its previous condition. Within the construction areas, protective matting would be placed around the HDD entry and exit points to protect the existing vegetation. The matting would then be removed after construction to allow the grass to re-grow. Based on this approach, the Proposed Development will impact less than 25 square metres of onsite habitat and therefore meets the 'de minimis' exemption.

On this basis, it is not considered reasonable or necessary to carry out any surveys of these small areas.

Neighbour representations: No responses received.

Arboricultural Officer, Rochford District Council: No objection.

Cadent: No objection

Informative note required.

We have received a notification from the Line search before U dig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action.

What you need to do;

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

National Highways: No objection.

Advise that the Highways Act 1980 Section 175B is not relevant to this application.

Environment Agency: No objection.

We have inspected the application as submitted and have no objection. In regard to flood risk we agree with the conclusions laid out in the

flood risk letter submitted by DRM consulting, dated 24 April 2025. We however recommend that during construction of the scheme, that the applicant signs up to flood warnings, so that any flood risks during that period can be managed in a timely manner.

Essex County Council Senior Built Heritage Consultant, Place Services: No objection.

The proposed cable installation route is in proximity to Grade II listed Beke Hall (List entry number 1112672), a timber framed and weatherboarded house of two storeys plus a cellar, that has been dated to the eighteenth century.

Beke Hall has been identified by the applicants as a sensitive receptor for construction noise and vibration. Ground borne vibration has the potential to cause cosmetic and structural damage to buildings. The covering letter provided with the application refers to three construction points associated with the installation (Points A, B and C). Point B is in closest proximity to the listed building and is described in the letter as the 'intermediate Pit and launch / reception pit for drill B-C'. The measurements taken and modelled in the Construction Noise and Vibration Plan were carried out at a point referred to as MP2 which is located approximately 210 metres to the south of the listed building and in proximity to Point A (described as 'HDD start point for drill A- B'). I note that the findings of the Construction Noise and Vibration Plan report are that vibration levels at MP2 will be well below the recommended threshold where damage to buildings may be caused by vibration. However, further information and clarification should be provided regarding the activities to be carried out at Point B, whether greater levels of vibration will be experienced here than at MP2 and whether this presents any risk of cosmetic or structural damage to Beke Hall.

Final comments

On this basis I have no concerns about the application which in my opinion will preserve the special interest of the listed Beke Hall in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with no harm to its significance in terms of the NPPF.

Essex County Council Highways: No comments received.

Rochford District Council Environmental Health: No objection.

Note that this acoustic assessment is indicative only at this stage because the detailed programme and plant specifications are yet to be established, as acknowledged in section 4.1. Whilst the baseline monitoring was undertaken in 2024, I consider it acceptable for use in this report.

The assessment and mitigation proposals – most importantly those regarding communication – are agreed in principle. However, I recommend that the project team applies to the authority for a Prior Consent for noise control (Control of Pollution Act 1974) once all programme and plant details are known. This will then protect all parties and may negate the need for real-time noise monitoring that I would otherwise recommend.

Prior Consents are free to obtain, and I anticipate one can be agreed quite simply in this case.

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 permitted shall be carried out in complete accordance with the following approved plans:

Dwg. 00-Rayleigh-510 Location Plan
Figure 2 Typical cable cross section

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

3. All existing trees to be retained within the application site shall be fully protected in accordance with the latest British Standards (currently BS 5837:2012 'Trees in relation to design, demolition and construction- Recommendations') by the time construction begins. All protective measures must be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder). The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations. All protective measures shall be maintained in place and in good order until all work is complete and all equipment, machinery and surplus materials have been removed from the site. Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

REASON: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance Policy DM25 of the Development Management Plan.

4. Prior to works commencing to construct the development hereby approved a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The Statement shall include details for:

- I. the parking and manoeuvring of vehicles of site operatives and visitors
- II. loading and unloading of plant and materials
- III. storage of plant and materials used in constructing the development
- IV. wheel and underbody washing facilities
- V. routing of vehicles

Once agreed, the approved statement shall be adhered to throughout the construction period.

REASON: To ensure that on street parking of these vehicles in the adjoining highway does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Relevant Development Plan Policies:

National Planning Policy Framework (2024) (as amended).

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – Policies ENV3, ENV6, GB1, GB2, CP1.

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

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

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

The Essex Design Guide (2018).

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

Application No:	25/00436/FUL Zoning: N/A
Case Officer	Mr Harry Goodrich
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	Site Of 4 And 6 Love Lane Rayleigh
Proposal:	Demolish existing buildings on site and construct a new, 3 storey building containing 7 flats with allocated parking spaces to the rear. Form new vehicular access to the site from Love Lane.

SITE AND PROPOSAL

1. The site comprises two dwellings in an existing built-up residential area close to Rayleigh town centre. The site is neighboured by residential development and a primary school. The existing dwellings are semi-detached and are similar in appearance to a cluster of other semi-detached dwellings close by.
2. The proposal involves the demolition of the semi-detached pair and construction of a three-storey building comprising seven flats. The proposal is to include parking spaces located to the rear of the building accessed via an under-croft access road.
3. A revised site layout plan has been received in the course of the application. The only change proposed related to the width of the proposed vehicular access at its junction with the carriageway on Love Lane. The Highways Authority has been re-consulted but given the scale and nature of the proposed change no further re-consultation has been carried out.

RELEVANT PLANNING HISTORY

4. No relevant planning history.

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).

7. The National Planning Policy Framework 2024 (NPPF) advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
8. Core Strategy Policy CP1 and Policy DM1 of the Development Management Plan (DMP) both seek to promote high quality design in new developments that would promote the character of the locality. In this context, Policy DM3 provides specific criteria against which proposals for infilling and residential intensification should be considered. The scheme is first assessed below in relation to the requirements of Policy DM3 and then in relation to other material considerations.

(i) The design of the proposed development in relation to the existing street pattern and density of the locality;

9. The proposed flatted block would be sited towards the site frontage, approximately in-line with the front elevation of the neighbouring semi-detached pair and would face Love Lane. The relationship of the proposed development to the street would therefore reflect the existing pattern of development. Parking to serve the site would however be provided in a large parking court to the rear of the building which is not typical of development in the locality.
10. The proposed density would be greater than is typically found in Love Lane. Policy in the development plan is not prescriptive in terms of density although Policy DM2 refers to the need to achieve a minimum density of 30 dph. Part (vi) of Policy DM1 requires that consideration is given to achieving suitable density for the locality in line with Policy DM2 the preamble to which identifies that density can impact on the character and form of development and advises that the Council will maintain a flexible approach towards the appropriate density of new developments to reflect the individual identities of each area. Some locations, namely town centres, are more sustainable in terms of infrastructure provision and access to amenities and can thus generally accommodate higher density development, however in this case as is set out elsewhere in this report there are concerns that the scale of the development proposed would not be appropriate. Whilst national planning policy is generally supportive of higher densities to ensure that most effective use of land is achieved, seeks to avoid low density where no 5 year housing land supply can be demonstrated and encourages significant uplift in average density in areas with good public transport links this is providing that proposed density would take account of the character of the surrounding area and achieving high density should not be at the cost of achieving good design.

(ii) whether the number and type of dwellings being proposed are appropriate to the locality having regard to existing character;

11. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale, and bulk. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people.
12. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density, and character of the site locality.
13. Love Lane features predominantly detached and semi-detached dwellings. The proposed building would be significantly greater in scale both in terms of height, depth, and width than existing nearby development to such an extent that it would appear out of character in the street scene to the detriment of visual amenity.
14. The proposal would fail to reflect the architectural style prevalent along Love Lane. Whilst the proposed dwelling is within fairly close proximity to the town centre where taller buildings are more characteristic, the proposed building would not achieve a high standard of design in its Love Lane setting. The deep southern side elevation would be readily visible to the street scene, sited almost adjacent to the southern boundary of the site. Whilst this elevation would contain some windows, large expanses of unfenestrated blank side elevation would also be visible. The materials proposed are to be a mix of black timber cladding, facing brickwork, and grey roof tiles which are not characteristic of the locality. It is considered that the proposed building would appear jarring in the street scene.

(iii) the contribution to housing need, taking into account the advice and guidance from the Council, based on the most up-to-date evidence available;

15. The Council cannot demonstrate a five-year housing land supply and the proposal would deliver a net increase of 5 dwellings. All of the units would be 2-bed and would contribute towards need. The proposal would therefore respond positively to this aspect of the policy.

(iv) an assessment of the proposal's impact on residential amenity

16. 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.

Overbearing

17. The three-storey side elevation of the proposed building which would project into the site would be stepped off the shared boundary with No. 8 but would still be readily visible to the occupants of this dwelling particularly when using the area of garden closest to the rear elevation of their property. Given the siting of the proposed building and its proposed height and depth, it is considered that the development would appear overbearing to the occupants of No. 8 Love Lane and cause harm to residential amenity.

Overlooking and loss of privacy

18. The closest residential neighbour to the site is No.8 Love Lane. The side elevation that would be sited closest to the shared boundary with No. 8 would contain two windows at first floor level. One would serve a bathroom and could reasonably be required to be obscure glazed and fixed shut below a height of 1.7 metres to remove the potential for overlooking. The other window would serve a kitchen and obscure glazing and fixing shut this window would not create a high-quality living environment for future occupants of the flat. Without obscure glazing there would be potential for direct overlooking towards the side elevation of No. 8. Whilst the side wall of No. 8 closest to the shared boundary does not contain any windows there is fenestration within the side wall of the rear projection to No. 8. The kitchen window would give rise to potential for overlooking of this fenestration and of the garden area closest to the rear of No. 8 which would give rise to harm to residential amenity. The other windows that would feature in the elevation that would face the rear garden of No. 8 would serve bathrooms and utility rooms and these could reasonably be required to be obscure glazed and fixed shut below 1.7 metres. Balconies would feature to part of the rear elevation furthest from the shared boundary with No. 8 and these would have enclosed sides to restrict views across the garden of No. 8.

Overshadowing

19. Whilst the proposed building may result in some increased overshadowing of No. 8 and its garden the proposed building would not breach a 45-degree angle taken from the closest window at ground floor within this neighbouring property. The 45-degree angle 'rule' is referred to in supplementary planning document 2 in relation to proposed first floor extensions to dwellings but is equally applicable in consideration of whether the overshadowing impact of a proposed building would be acceptable or unreasonably harmful to residential

amenity. In this case the 45-degree angle would not be breached. It is considered that the proposed development would not result in unreasonable overshadowing of No. 8.

(v) avoiding a detrimental impact on landscape character or the historic environment;

20. Paragraph 135 of the NPPF provides a number of criteria that a development should adhere to. One of these criteria (c) requires that developments *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*
21. The proposed development has been considered by the Council's heritage consultant given the sites relationship to the locally listed Rayleigh Primary School which is a non-designated heritage asset. It is considered the proposal by virtue of its scale and location would result in an unacceptable level of harm to this heritage asset in line with paragraph 216 of the National Planning Policy Framework. The proposal is not considered to be sympathetic to local character and history, resulting in undue impacts to the adjacent locally listed and non-designated heritage asset. The proposal fails to reflect the building environment and landscape setting through the use of inappropriate materials and a building of a scale that is inappropriate within its landscape setting.

(vi) avoiding the loss of important open space which provides a community benefit and/or visual focus in the street scene;

22. The proposed development would not result in the loss of any open space which provides a community benefit or visual focus in the street scene.

(vii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;

23. Six of the seven flats proposed would be provided with a balcony, each with an area of some 2.5 square metres. One flat would not be provided with any balcony, and no communal amenity space is proposed. The proposal would not therefore provide the minimum amenity space requirements as set out in SPD2, namely a 5 square metre balcony or communal garden to a minimum area of 25 square metres per flat. In addition, the ground floor balcony (terrace) which would serve the ground floor flat to the front of the building would be sited only 1.3 metres from the pedestrian footway such that users of the balcony would not be afforded much if any privacy. The quality of this private amenity space is therefore questioned.

(viii) the availability of sufficient access to the site and adequate parking provision.

24. The proposal has been considered by Essex County Council as the Highways Authority and found to be unacceptable. This is due to the site being unable to deliver the correct access arrangement.
25. 7 No. marked-out car parking spaces would be provided resulting in one space per flat. These would all meet the preferred bay size of 5.5m x 2.9m although the parking standard does indicate that an additional 0.5 metres should be provided adjacent to spaces where they would be immediately adjacent to a wall or fence and this would not be achieved for all such spaces. The proposal also includes 2 No. visitor car parking spaces, constructed to the same dimensions. The parking standard also advises of the need for the provision of 2 powdered two-wheeler spaces for visitors which is not proposed. 1 of the visitor bays should be provided to meet the disabled car parking bay dimensions which is not shown although the visitor space closest to the access would have additional space to the side and rear to allow for disabled access.
26. The new parking standard sets out car parking requirements for residential development taking into account the location of the site. The parking standard is intended as guidance to assist local planning authorities in determining appropriate levels of car parking for a proposed development. The standard identifies this site as being in an area of high connectivity and suggests a car parking requirement of 1 space per 2-bed dwelling plus 0.25 spaces for visitors. This would equate to a total requirement of 9 spaces which would be provided.
27. In terms of cycle parking the adopted standard advises that space to accommodate 15 cycles be provided (1 cycle parking space per bedroom) in addition to 1 visitor cycle space. Of this, 10 percent should be designed to accommodate non-standard bikes.
28. Only a small cycle parking area of 4.150m by 1.150m is proposed. A standard bike is considered to have a length of 1.1m and a width of 0.8m (taken from Essex Parking Guidance), resulting in a floor area of 0.88m being taken up per bike. This means the storage area proposed would only account for around 5 bikes with no space to park non-standard bikes. The proposal would not provide appropriate cycle parking provision contrary to Policy T6.

(ix) avoiding a tandem relationship between dwellings, unless it can be satisfactorily demonstrated that overlooking, privacy and amenity issues can be overcome as set out in Supplementary Planning Document 2: Housing Design.

29. The proposal would not generate a tandem relationship whereby one dwelling directly faces the rear of another.

ACCESS AND HIGHWAYS SAFETY

30. The proposal has been considered by Essex County Council as the Highways Authority. The Highways Authority have considered that the proposal would provide a shared vehicle access onto Love Lane that is of insufficient width. This would result in vehicles entering and exiting the access that would be in direct conflict with each other, which would result in an unacceptable degree of hazard to all road users and to the detriment of highway safety.
31. In addition to this the Highways Authority have considered that the proposal, if permitted, would set a precedent for future similar developments which would be detrimental to the safety of all highway users.

NATIONALLY DESCRIBED SPACE STANDARD

32. The minimum gross internal area requirement for a single-storey two-bedroom, three-person flat is 61sqm and for a two-storey two-bedroom three-person unit is 70sqm; six of the flats would be the former and one the latter. All seven flats proposed would meet the Nationally Described Space Standards (NDSS); the proposed gross internal floors areas that would be achieved are set out below.

Flat 1: Two-bedroom, single floor, 68sqm
Flat 2: Two-bedroom, single floor, 65sqm
Flat 3: Two-bedroom, single floor, 68sqm
Flat 4: Two-bedroom, two storey, 75sqm
Flat 5: Two-bedroom, single floor, 65sqm
Flat 6: Two-bedroom, single floor, 68sqm
Flat 7, Two-bedroom, single floor, 65sqm

33. The flats would also all be provided with at least 2 square metres of built in storage. All of the bedrooms would meet the minimum floor space requirements.

REFUSE ARRANGEMENTS

34. The Council operates a 3-bin system collecting kitchen waste, recyclables, and residual waste separately. Advice on the design of waste storage and collection requirements is contained in Annex 1 of the Development Management Plan.
35. A dedicated area for the storage of waste and recycling bins is proposed underneath the under croft to the side of the vehicular access. The area is some 4.6 metres by 1.5 metres. This area would be suitably sized to store the number of bins required to cater for the 7 no. flats proposed taking account of the storage requirements for 2-bed flats as set out in Annex 1. A total storage capacity of 1400 litres would be required, 40 percent of which should be provided to store

recyclables. Kitchen waste bins have dimensions of 1100mm high, 555mm deep and 505mm wide and Euro bins have dimensions of 1210mm deep, 1100mm wide and 1427mm tall. The area could accommodate 2no. Euro bins (each 1100 litres) for residual waste and dry recyclables and 1 no. yellow-lidded bin (140 litres) to take kitchen waste.

36. The dedicated area for the storage of waste bins would be accessible to future residents and within 15 metres of the highway for collection. The area would be enclosed with doors to the front and roofed to limit the likelihood of smells transferring to either proposed flats or the neighbouring dwelling. Whilst the doors would obstruct the vehicular access when open, the access would only serve a limited number of parking spaces and there would be space for vehicles entering the site to wait on the driveway clear of the highway if the doors needed to be closed.

LANDSCAPING

37. Landscaping, as referred to in SPD 2, is an important aspect of visual design. The lack of it can render an otherwise satisfactory scheme dull and uninteresting. Conversely, a mundane development can be transformed by an imaginative scheme.
38. In the proposed scheme, there is little soft landscaping proposed. The planting proposed to the site frontage would include a small tree, but this would be provided in a very limited area of soft landscaping and close to the front elevation. It is questioned whether there is enough space to accommodate a mature tree in this position without future conflict with the window above the undercroft which may suffer from overshadowing by the canopy. Whilst the siting of a tree to the site frontage would be beneficial in softening the visual impact of the large building and indeed street trees are encouraged in national policy, trees must be proposed in locations where they would thrive long term.
39. Whilst some soft landscaping involving tree planting is indicated to be provided along the boundaries of the site to the rear of the proposed building, it is also questioned whether the very narrow strip available for planting would enable the indicated native hedgerow and trees to thrive in the positions indicated. Trees planted so close to the shared boundary with No. 8, or the school site, may be cut back to avoid the canopy overhanging the shared boundary resulting in an unnatural asymmetrical growth and shape. It is questioned whether the indicated width of some 0.4 metres would be sufficient to enable successful long term growth of a native hedgerow particularly given that the narrow margin would be bound on one side by a boundary fence and the other by car parking spaces which would require lateral growth of the hedgerow to be regularly cut back. Other than this very little other soft landscaping is proposed to the rear of the building. Instead, the whole of the site to the rear of the building would be hard surfaced to provide

parking spaces. The National Design Guide advises that well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. Whilst the 'sea' of hard surface to provide the parking court would not impact the street scene it would affect how future occupants experience their home. The space would be overlooked and could be gated to provide added security, but it would not be an attractive space. The parking court which would extend along the full depth of the garden to No. 8 would also result in adjoining development which would be harmful to residential amenity.

40. SPD2 provides a number of criteria that should be met for a scheme to be seen positively. One of these is that *'All existing sound and healthy trees and hedgerows will be retained wherever possible ... Where a hedge or tree must be removed to satisfy visibility requirements it must be replaced, set back if necessary to satisfy these requirements.'*
41. The submitted Arboricultural Impact Assessment (AIA) proposes the removal of a number of trees. One of these, a Cedar is subject to Tree Preservation Order. The removal of this tree would result in harm to the character of the site and wider locality and would be contrary to Policy DM25. The other trees proposed for removal are sited on the shared boundary with No. 8. The ownership of these trees is disputed by the occupant of No. 8 such that although the applicants AIA states that these would need to be removed to facilitate the development the applicant may not be able to remove them. These trees are not subject to TPO although the extent of hard standing that would result in the root protection area of these trees may cause harm.

ECOLOGY

42. The proposal has been submitted with a bat declaration. However, the Council's ecological consultant considers that insufficient information in relation to bats has been provided. Given that this information has not been provided, the LPA cannot demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.
43. Concern has been raised in response to public consultation that a badger survey should have been carried out. The relevant Natural England standing advice has been reviewed and it does not appear that there would be a need to survey the site for badger setts. The standing advice states a survey for badgers would be required if; -
 - Historical or distribution records show that badgers are active in the area - you can [search the National Biodiversity Network Atlas](#) by species and location or,
 - There is suitable habitat for sett building or foraging.

44. There does not appear to be records of badgers within close proximity of the site. The habitat at the site is not that which guidance indicates is particularly suitable for badgers, namely well-drained, diggable soils for setts, typically in deciduous woodlands, hedgerows, pastures, or parks, with nearby short grasslands rich in earthworms for foraging. The site is bordered by extensive hard surface within the school site to two sides. The site is considered to be unlikely to offer a suitable habitat for sett building.
45. Paragraph 187 of the NPPF advises that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Bat and swift boxes could be secured by planning condition if the application were to be recommended favourably.
46. The development for seven 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 (ZOI) for the Essex Coast RAMS? - Yes

Does the planning application fall within the following development types? - Yes.

The proposal is a net increase of five additional dwellings.

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

Is the proposal for 100 houses + (or equivalent)? - No

Is the proposal within or directly adjacent to one of the above European designated sites? – No

47. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from

increased recreational activity. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

48. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The applicant has paid a financial contribution in accordance with the standard rate set out in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy.

BIODIVERSITY NET GAIN

49. Biodiversity Net Gain (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). Under the statutory framework, 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, the purchase of registered offsite biodiversity units or the purchase of statutory biodiversity credits.
50. The applicant has indicated that the statutory biodiversity gain condition would apply to the proposed development and officers agree. The applicant has submitted the required BNG metric and baseline habitat plan. Essex County Council Place Services ecology team have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised in this report. Officers are satisfied that the required pre-decision BNG information has been submitted.
51. 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 would be recommended to highlight the need for the BNG condition to be discharged prior to commencement of development if the application were recommended favourably. A planning condition requiring implementation and management of any on-site habitat created to satisfy the BNG condition would also be required were the application to be recommended favourably.
52. 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 LPA 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.

53. In this case the applicant has set out in the submitted BNG information that the required 10% BNG would be delivered via on-site habitat enhancement and creation. The on-site habitat creation would include the new native hedge and tree planting to the front of/ around the boundary of the rear part of the site. The space available to accommodate planting would however be very limited and it is questioned whether the site as a result of the extent of hard standing proposed could achieve successful, long-term on-site habitat creation to satisfy the BNG hierarchy.

IMPACT ON RAYLEIGH PRIMARY SCHOOL

54. The proposed development is located next to the Rayleigh Primary School. Concern has been raised regarding the impact of the proposed development on the school in terms of overlooking and safeguarding. However, in principle residential development is not incompatible with a school use and traditionally schools are often located in residential areas with a degree of overlooking from windows in nearby dwellings. The fact that windows and balconies are proposed which would allow for views across the school site would not in principle result in safeguarding concerns. There are windows to existing residential properties which overlook the school site and the areas of the school site closest to the application site are also currently in use for parking. That is not to say that views of areas of the school playing fields/playgrounds would not be possible from the proposed balconies and windows but some 20 metres of separation to the boundary of the school site would be achieved. There is also established soft landscaping within the school grounds, which would likely limit opportunities for overlooking.

CONSTRUCTION METHOD STATEMENT

55. Concerns have been raised in response to public consultation in relation to construction traffic. The proposed development is not major development and whilst some disruption may result from construction activity on site this would be temporary. Measures could be required to mitigate impacts such as requiring wheel washing and dust mitigation in a construction method statement and a planning condition could require this.

FLOOD RISK

56. The site is located within Floodzone 1, as well as being free from surface water flood risk. The closest location of note is the surface water flood risk present within the grounds of Rayleigh Primary School. Given the extent of hard standing proposed a surface water drainage condition would be imposed were the application to be recommended favourably.

IMPACT ON INFRASTRUCTURE

57. Concern has been raised in response to public consultation that the development would impact adversely on local services. The development proposes a relatively small net increase in the number of dwellings and this scale of development would not meet the threshold set by statutory consultees such as the NHS and ECC Education Authority for requiring financial or other contributions towards infrastructure.

EQUALITIES AND DIVERSITY IMPLICATIONS

58. 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.
59. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
60. 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.

PLANNING BALANCE

61. Where a Council cannot demonstrate a 5-year housing land supply, paragraph 11(d) of the NPPF requires that permission should be granted unless: -
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
62. In this case the adverse impacts of granting permission are not considered to be significantly and demonstrably outweighed by the benefits contrary to part (ii) above for the reasons set out below.
63. When looking at the benefits of the application, the proposal would deliver additional housing, albeit on a small scale. The housing that would be delivered would be in a sustainable location where alternatives to the private car as a mode of travel exist. Future occupants of the site may support the local economy. The housing that would be provided would meet the nationally described space standards.
64. However, the proposal would fail to deliver high quality private amenity space, would not provide for an appropriate number of cycle parking spaces and would not achieve good design by virtue of the lack of space to accommodate soft landscaping which would be able to mature to further add to the quality of the area long term and the creation of an unattractive large swathe of hard surfaced car parking. The proposal would require the removal of an established tree which contributes positively to the street scene. The proposal in this respect would not add to the quality of the area and would not be visually attractive including in relation to appropriate and effective landscaping; the proposal would be contrary to parts (a), (b) and (f) of paragraph 135 of the NPPF; it would not achieve a high standard of amenity for future users. It is not clear that the BNG hierarchy would be met as the site could be developed in a way that allows for habitat creation on site but the narrow strips where native hedgerow and tree planting is proposed would be unlikely to allow for long term success of the created habitat. The proposed building would be of a scale, design and appearance which would be out of character with the surrounding area and harmful to the setting of the adjacent school which as a locally listed building is a heritage asset contrary to part (c) of paragraph 135 of the NPPF. The development would also fail to provide safe and suitable vehicular access. The proposed building and the associated extent of car park to the rear would cause harm to the residential amenity of the occupants of No. 8 Love Lane by way of being overbearing and giving rise to potential for overlooking and loss of privacy; it would not achieve a high standard of amenity for existing nearby resident's contrary to part (f) of paragraph 135 of the NPPF.
65. Whilst the proposal would contribute to the supply of housing which would be the key benefit of the scheme particularly given that the

Council cannot currently demonstrate a 5-year housing land supply, the scheme is not considered to be well designed and the reasons for refusal outweigh the benefit of additional housing provision.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council:

Objection due to overdevelopment of site and inappropriate 3 story proposal for this location. The application is not in keeping with the street scene. The site is located next to a primary school and on a very busy road adjacent to the High Street which is a concern for health and safety.

MP – Rt Mr Mark Francois:

Five letters have been received which enclose letters from members of the public. The content of these is summarised in the neighbour letters section below.

Rayleigh Primary School:

- Concerns raised in relation to road safety
- Loss and Privacy and Child Safeguarding
- Removal of Screening.

Place Services Heritage Consultant:

In my opinion, the proposal would constitute harm to the significance of the non-designated heritage asset through inappropriate development within its setting.

In conclusion, while the demolition of the existing building is acceptable, the proposed replacement development is considered to cause harm to the significance of the locally listed Rayleigh Primary School, in terms of the National Planning Policy Framework (NPPF, December 2024), with Paragraph 216 being relevant. The harm arises from the scale, massing, and visual prominence of the proposed building, which would adversely affect the setting and significance of the non-designated heritage asset.

Arboricultural Officer:

An objection is raised due to the loss of T1 (ref taken from the TPO) Cedar deodar and the current recommendation of tree removal from beyond the ownership of the applicant.

Essex Badger Protection:

Concerns raised in respect of the lack of a badger survey having been submitted.

Essex Place Services Ecological Consultant:

The proposed development is considered to provide insufficient information in relation to the potential impact on European Protected Species (Bats).

Having regard to mandatory biodiversity net gains, it is highlighted that the ecologist is satisfied that the submitted Statutory Small Sites Metric – Calculation tool (June 2025) has provided suitable information prior to determination. As a result, a Biodiversity Gain Plan would be required prior to commencement.

Essex County Council Highways Authority:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority.

The proposal would provide a shared vehicle access onto Love Lane that is of insufficient width. Vehicles entering and exiting the access would be in direct conflict with each other, which would result in an unacceptable degree of hazard to all road users and to the detriment of highway safety.

The proposal would also, if permitted, set a precedent for future similar developments which would be detrimental to the safety of all highway users.

Neighbours:

The Council has received 81 responses from the following addresses in relation to the application.

Love Lane, Rayleigh No's, 8, 10, 12, 13, 14, 16, 17A, 19, 21, 23, 25, 26, 27, 34, 40, 44, 51, 62, 67, 70, 74, 75, 125
Spring Gardens, Rayleigh No's, 6, 15, 16, 45
High Road, Rayleigh No. 64, 84
Rookery Close, Rayleigh No. 2, 4, 6, 14, 15
Broad Oak Way, Rayleigh No. 19
Glebe Drive, Rayleigh No. 4
Weir Farm Road, Rayleigh No. 15
Burrows Way, Rayleigh No's 8, 9, 25, 33
Crown Hill, Rayleigh No. 22, 25
Glenwood Avenue No. 60
Western Road No. 20, 36
Tudor Close, Rayleigh No. 7
Highmead No's 22 and 26
Leasway No. 12, 14, 28
Daws Heath Road, Rayleigh No's, 37, 104, 135, 179
Moorcroft Avenue, Rayleigh No. 19
Moat Rise, Rayleigh No. 34
Kingswood Crescent, Rayleigh No. 21
Orchard Avenue, Rayleigh No. 3
Weir Gardens, Rayleigh No. 51

Castle Road, Rayleigh No. 28
Broadlands Avenue No. 11A
Beech Avenue, Rayleigh No. 8, 22
The Laurels, Rayleigh No. 16
Downhall Close, Rayleigh No. 25
Glebe Road, Rayleigh No. 43
London Road, Rayleigh No. 112
Station Avenue, Rayleigh No. 30
Rectory Garth, Rayleigh No. 7
Louis Drive West No. 119
Poyntens, Rayleigh No. 5
Nursery Close, Rayleigh No. 28
Eastern Road, Rayleigh No. 11
Eastwood Road, Rayleigh No. 333
Bedloes Avenue, Rawreth No. 19
Langdon Road, Rayleigh No. 17

In addition, a number of responses have been received where no address was given, however the concerns raised are the same as those summarised below.

- Loss of privacy including to No. 8 Love Lane
- Unlawful removal of trees
- Highway and pedestrian safety
- Proximity to primary school and concerns about overlooking and safeguarding.
- Loss of trees
- Loss of light to No.8 Love Lane
- Scale of development
- Traffic concerns
- Lack of contribution to infrastructure/ impact on local services
- Noise concerns
- Impact on character and heritage
- Shared access concerns
- Unnecessary demolition of building of historical significance
- Unrealistic housing targets
- Sewer and infrastructure capacity
- Historic well at the site and concerns about structural considerations

One positive comment was received in relation to good design.

Relevant Development Plan Policies:

- National Planning Policy Framework 2024
- Core Strategy Adopted Version (December 2011) - CP1, H1, T1, T8, T6
- Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM27, DM30

- Essex Parking Guidance (2024)
- Supplementary Planning Document 2 (January 2007) – Housing Design
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (SPD)
- Natural England Standing Advice
- The Essex Design Guide
- Planning Practice Guidance (PPG)

RECOMMENDATION: REFUSE

3. The proposed development, by virtue of its design, layout, scale, and massing would appear out of character in the street scene to the detriment of visual amenity. The proposed three storey building would dominate the street scene through the significant increase in overall building height and would utilise external facing materials not characteristic of the area. The building by virtue of its scale and massing would compete with, and visually overwhelm, the adjacent school buildings, thereby detracting from their historic character and architectural interest and diminishing their prominence and the ability to appreciate their significance. The development is therefore considered to result in an unacceptable level of harm to the locally listed and non-designated heritage asset that is not outweighed by the benefits offered by the proposal. The development is therefore considered contrary to the aims of Paragraph 216 of the NPPF (2024) and contrary to policies parts (viii), (ix) (x) and (xi) of policy DM1 and parts (ii) and (v) of policy DM3.
4. The proposed development would fail to provide appropriate private amenity space to meet the requirements of supplementary planning document 2, would fail to provide adequate cycle parking provision with regard to the adopted parking standard and would fail to provide space to accommodate appropriate soft landscaping to soften the extent of hard surfaced car parking which would appear visually unattractive. In these respects, the proposal would fail to ensure a high standard of residential amenity for future occupants including the provision of appropriate and effective landscaping contrary to parts (a), (b) and (f) of paragraph 135 of the NPPF, part (viii) of policy DM3, part (iii) of policy DM1 and policy T6.
5. The proposed development would result in harm to residential amenity of the occupants of No. 8 Love Lane by virtue of potential for overlooking and loss of privacy from the proposed side facing window which would serve a kitchen, as a result of the scale of the building which would appear overbearing and as a result of the extent of uncharacteristic hard surfaced car parking along the length of the

harden boundary. The proposal would be contrary to parts (ix) and (x) of policy DM1 and part (f) of paragraph 135 of the NPPF.

6. The proposed development would result in the loss a Cedar deodar tree at the site which is subject to a Tree Preservation Order (TPO), this tree is indicated as T6 on the submitted tree plan which forms part of the Arboricultural Impact Assessment. This tree is noted to be visible from Love Lane and the adjoining school grounds, and its position offers good growth potential for years to come. The loss of this tree would result in undue impacts on the character of the area which would not be appropriately mitigated and result in the proposal being contrary to Policy DM25 and Paragraph 136 of the NPPF.
7. The proposed development would not achieve suitable vehicular access to the site as a result of insufficient width. This would result in conflict between vehicles entering and exiting the site. The proposal would therefore set an unwanted precedent of inadequate access arrangements for development of this type. The proposal is therefore considered to represent an unacceptable risk to highway safety and is therefore contrary to policy DM1 and DM3 contained within the Rochford Development Management Policies, adopted as County Council Supplementary Guidance and the NPPF 2024.
8. The proposed development fails to provide sufficient information in relation to European Protected Species (bats). Without this information the council is unable to discharge its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended), prevent wildlife crime under s17 Crime and Disorder Act 1998 and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.
9. Insufficient information has been provided to demonstrate that the proposal would be able to satisfy the biodiversity net gain hierarchy which requires that preference be given to the delivery of the mandatory 10% biodiversity net gain on site in the first instance. Whilst the applicant has indicated that native hedgerow and tree planting would be delivered on site to satisfy the BNG requirement, the scale of proposed development would leave only a very narrow planting margin which it is considered would not allow for long-term successful growth.

The local Ward Member(s) for the above application are Cllr R C Linden, Cllr Mike Sutton and Cllr A G Cross