



**PLANNING APPLICATIONS WEEKLY LIST NO.1774**  
**Week Ending 12th September 2025**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 25<sup>th</sup> September 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **17th 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](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

**Glossary of suffix's:-**

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

**Index of planning applications: -**

- 1. Recommended Refuse – 25/00509/FUL Beeches Farm Beeches Road Rawreth pages 2 – 14
- 2. Recommended Refuse - 25/00434/FUL Land Opposite Brambles Ellesmere Road Rochford pages 15 - 49
- 3. Recommended Approve – 25/00518/FUL 9 Purdeys Way Rochford pages 50 - 65

|                  |  |
|------------------|--|
| Application No : | 25/00509/FUL      Zoning : MGB   |
| Case Officer     | Mr Richard Kilbourne   |
| Parish :         | Rawreth Parish Council   |
| Ward :           | Downhall And Rawreth   |
| Location :       | Beeches Farm Beeches Road Rawreth  |
| Proposal :       | Laying permeable hardstanding on existing unsurfaced agricultural tracks |

## **SITE AND PROPOSAL**

1. Beeches Farm is an agricultural farm located within the open countryside on the southern side of Beeches Road, approximately 1.5km west of Hullbridge in the Parish of Rawreth. The site is accessed from a private drive off Beeches Road and comprises a mixture of traditional and modern farm buildings. The buildings on the site are used for agricultural purposes, and it is understood by the Local Planning Authority that the farm grows crops for human consumption.
2. The nearest dwellings to the site are those properties located to the North (the Cottages) adjacent to Beeches Road approximately 70m from the site boundary. A cluster of dwellings are also found approximately 210m west of the site.
3. The application relates to two agricultural tracks. One of the tracks runs from behind the farmyard at the south of the site to the centre of the farm holding (track 2) , whilst the other track runs from Beeches Road along the western boundary of the site to the centre of the fields at the western part of the site ( track 1). It is understood that both of these tracks are of dirt construction and are used for transportation of machinery in conjunction with the agricultural use of the site.
4. The site is located entirely within the Green Belt as defined by the Rochford District Council Allocations Plan. Some of the site - particularly insofar as relevant to the application, 'Track 1' – is located within Flood Zone 3 where risk from flooding is highest. 'Track 2' is located within Flood Zone 1 which has the lowest probability of flooding. A public right of way runs adjacent Track 2.
5. The application submission includes a Design and Access Statement. Within the Design and Access Statement (DAS) the applicant outlines that the proposed development includes the resurfacing of the 2No. agricultural tracks with permeable hardstanding. This is necessary to allow all-weather transportation of agricultural vehicles and machinery along the tracks during spells of bad weather.

## **RELEVANT PLANNING HISTORY**

6. Application No. 23/00538/FUL Demolition of existing agricultural buildings and erection of 2 agricultural buildings. Approved 02.11.2023.
7. Application No. 21/00357/FUL Demolition of existing agricultural buildings and erection of a replacement agricultural storage building - Approved - 08.12.2021.
8. Application No. 20/00192/FUL - Clad existing agricultural building and change of use to B8 (storage) - Approved - 20.05.2020.
9. Application No. 18/01191/FUL - Retrospective change of use of two buildings from agriculture to B8 (storage and distribution) and B1(c) light industry - Approved - 22.05.2019.
10. Application No. 18/00970/FUL - Erection of agricultural storage building - Approved - 02.01.2019.
11. Application No. 17/01182/FUL - Construct Agricultural Building for Housing Cattle - Approved - 07.02.2018.
12. Application No. 17/01181/DPDP6 - Application for Prior Notification of Proposed Steel Portal Frame Straw Storage Building. Prior Approval not Required.

## **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).

### **Green Belt Considerations**

15. The latest version of the National Planning Policy Framework (henceforth, the Framework) was revised in December 2024 and further amended in February 2025. Like earlier versions, it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social, and environmental. It makes clear that planning policies and decisions should play an active role in guiding development towards sustainable solutions but should take local

circumstances into account and reflect the character, needs, and opportunities of each area.

16. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. Where local policy is silent, missing, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies within the framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
17. Policies GB1 and GB2 of the Council's adopted Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt proportionate to the sites contribution to achieving the purposes of the Green Belt. Both policies pre-date the introduction of the Framework, however, are consistent with the aims of the Framework and therefore should be give significant weight in decision making.
18. Paragraph 153 of the Framework states that when assessing the impact of a development on the Green Belt, substantial weight should be given to any harm arising to the Green Belt, including harm to its openness. Inappropriate development is, by very definition, harmful to the Green Belt and should be resisted unless very special circumstances exist which would outweigh any harm to the openness of the Green Belt or its intrinsic qualities.
19. Paragraph 154 of the Framework makes clear that some types of development should not be considered inappropriate development within the Green Belt. Paragraph 154(a) makes reference to agricultural buildings within the Green Belt and makes clear that these should not be considered inappropriate. In this instance, it is acknowledged that the proposed development does not propose the construction of new agricultural buildings, however the tracks which are to be surfaced are in connection with the continued agricultural use of the application site as a whole. As such, the proposal is considered to comply with Paragraph 154(a) of the Framework and should not be considered inappropriate development within the Green Belt.
20. Furthermore, Paragraph 155(b) of the Framework states that engineering operations should, insofar as they preserve the openness of the Green Belt, not be considered inappropriate development. The proposal involves engineering operations in the form of resurfacing agricultural tracks. Therefore, the proposal is considered to comply with this exception.

21. Policy GB1 of the Council's adopted Core Strategy and Policy DM11 of the Development Management Plan are largely consistent with the aims of the Framework in regard to protecting the Green Belt but state that development considered appropriate within the Green Belt includes the continuation of existing rural businesses.
22. As mentioned, a development that meets one of the exceptions under Paragraph 154-155 of the framework should seek to preserve the openness of the Green Belt in order to be deemed acceptable. The proposal in this instance is not considered to impact on the openness of the Green Belt – either visually, or spatially. The agricultural tracks would not represent any additional built form over the existing situation and would not appear more visually imposing on the landscape than existing.
23. In any case, it is acknowledged that the application site as a whole is screened by mature vegetation and therefore the tracks are unlikely to be seen from long range viewpoints.

#### Design and Impact on Character of the Area

24. Policy CP1 of the Council's Core Strategy and Policy DM1 of the Council's Development Management Plan are applicable to the consideration of design and layout. 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
25. Paragraph 135 of the Framework states that planning policies and decisions should ensure that developments inter alia are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and are sympathetic to local character and history, including the surrounding built environment and landscape setting etc.
26. The application site is located within the wider setting of the Battlesbridge Conservation Area, but not within the Conservation Area itself. Notwithstanding this, however, it is acknowledged that a development can impact on the significance of a Conservation Area – a designated heritage asset – even if not located within the Conservation Area itself. It is also acknowledged that the application site is in close proximity to Beeches Farmstead, which the Council considers a non-designated heritage asset and which is thus included in the local list.
27. The proposed development consists of the resurfacing of the existing dirt agricultural tracks with new permeable hardstanding. This would have a crushed concrete base with a type 1 concrete surface (concrete

marbles / chippings) . The Case Officer thought it prudent to consult with colleagues in Place Services who state that;

*“The proposed permeable hardstanding of the two tracks would not have a detrimental impact on the special interest of the Conservation area, nor would it reduce the significance of the moated site and I have no objections.”*

28. Having regard to the above, it is considered that the proposed development would be acceptable in terms of visual impact; it is not considered that the proposed development would be significantly detrimental to the nearby Conservation Area or the non-designated heritage asset, Beeches Farmstead.

#### Impact on Residential Amenity

29. The proposal is not considered, by virtue of the separating distances and nature of the development, to have a detrimental impact on the amenity of neighbouring dwellings or properties. Therefore, it is considered that the proposal is in accordance with Policy DM1 of the Development Management Plan.

#### Flooding

30. Flood risk policies exist to safeguard property and human lives which are two primary considerations when considering development proposals. Paragraph 181 of the Framework states that local planning authorities when assessing development proposals, should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. There is a policy requirement for development proposals to demonstrate that it is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, that any residual risk can be managed whilst providing safe access and escape routes where appropriate as part of an agreed emergency plan. Any proposal that will increase the flood risk will be required to be accompanied by a flood risk assessment to consider the level of risk posed and the intended mitigation and management measures. The Local Planning Authority will also seek to ensure that development does not adversely affect the water catchments of existing water courses. These principles are also encapsulated by the Councils Local Development Framework's Core Strategy Policy ENV 3 Flood Risk.
31. As discussed previously, the entrance to 'Track 1' lies within Flood Zone 3, where risk of flooding is highest. Track 2 is located within Flood Zone 1 where risk of flooding is lowest. The application submission includes a Flood Risk Assessment for both tracks.



32. In respect of both tracks, the Flood Risk Assessments conclude that the risk of flooding is “very low to low”; it notes that there are flood risk defences approximately 320m away which are designed to provide a 1 in 50-year standard protection. Risk from groundwater flooding is noted to be low. Notwithstanding, the Case Officer thought it prudent to consult with the Environment Agency on the proposal who state

*“We have inspected the application as submitted and have no objection. Although part of the development site is in flood zone 3, we are confident that the nature of the development will not impact on flooding and will not increase flooding outside the site”.*

33. Having regard to the above, the proposed development is not considered to represent an increased chance of flooding, either within the site, or outside of the site. The proposal therefore complies with Policy ENV3 of the Core Strategy.

#### Archaeology

34. The Case Officer thought it prudent to consult with colleagues within Essex County Council Place Services in relation to archaeology and historic heritage assets, who stated:

*“There are no recorded heritage assets within the area of the proposed development on the Essex Historic Environment Record (EHER). The trackways are depicted on the 1st edition Ordnance Survey map of 1877 and so date to at least the nineteenth century. Due to the nature and extent of the proposed works there will be no significant impact on any below ground archaeological remains. There will be no requirement for any archaeological investigation for the above development.”*

#### On-site Ecology

35. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur, appropriate mitigation may be required to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
36. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have

clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.

37. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
38. Colleagues in Essex County Council Place Services Ecology have been consulted and in summation they state that track 2 lies within a Great Crested Newt Amber Risk Zone and is near a pond. A Biodiversity Net Gain assessment found no evidence of protected species along the track, which is regularly maintained and lacks suitable habitat or connectivity. However, the assessment did not consider nearby ponds. Since work is limited to the track, precautionary measures for Great Crested Newts should be required via a Method Statement as a condition of consent.
39. Whilst the case officer acknowledges the points raised by the Councils Ecologist pertaining to this matter, nevertheless, in particular the proposal acknowledges that *Track 2 lies within a Great Crested Newt (GCN) Amber Risk Zone* and that a pond lies in close proximity to the end of the track. However, the Biodiversity Net Gain Statement (Plumb Associates, July 2025) is materially deficient in its assessment.
40. Whilst it describes the track as a narrow strip of modified grassland with low suitability for protected species, it makes no reference whatsoever to the nearby ponds, which are a critical ecological receptor. This omission is significant, as ponds are the primary breeding habitat for GCN and the proximity of one or more ponds places the site firmly within the scope of potential GCN constraint. Natural England standing advice requires that all ponds within 250m of works be assessed for their suitability for GCN, unless clear barriers to dispersal are present. No such assessment has been provided.
41. Furthermore, the report dismisses connectivity to other habitats, yet offers no supporting analysis of surrounding landscape features, nor any assessment of whether the track could act as a dispersal route. This represents a failure to address both the *terrestrial habitat requirements* and the *potential for incidental mortality* of GCN during works.



42. Given these shortcomings, reliance on precautionary measures via a Method Statement is not considered adequate or proportionate. Without survey data or a proper appraisal of ponds and terrestrial connectivity, the Local Planning Authority cannot lawfully conclude that protected species would not be harmed, as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The application therefore fails to provide sufficient information to enable the Local Planning Authority to discharge its duties under the Habitats Regulations. The Biodiversity Net Gain Statement is incomplete, omitting ponds and wider connectivity, and therefore does not meet the necessary evidential threshold. On this basis, the application should be refused until robust protected species assessment (including pond surveys and/or Habitat Suitability Index assessment) is undertaken and submitted.

#### Biodiversity Net Gain

43. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023.
44. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
45. The case officer considered it prudent to consult Essex County Council Place Services Ecology regarding the proposal and they stated that:
- “As a result, we have reviewed the Biodiversity Net Gain Statement (Plumb Associates, July 2025) and Statutory Biodiversity Net Gain – Calculation tool (June 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:*
- *A habitat map of the pre-development baseline has not been supplied in line with the Biodiversity Net Gain PPG. This should ideally be in line with UK Habitats Classification v2 criteria.*
  - *We request further clarification on why the habitat is modified grassland, as the photographs shown appear to show the grassland*

*to be dominated by Arrhenatherum elatius (False Oat-grass) and may meet the UK Habitats Classification v2 criteria 'Other neutral grassland' (g3c5).*

*As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:*

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

*In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Individual trees.*

*The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved”.*

46. In summary, following a review of the Biodiversity Net Gain Statement (Plumb Associates, July 2025) and the Statutory Biodiversity Net Gain Calculation Tool (June 2025), it is concluded that the information provided is currently insufficient to support determination. Key issues include the absence of a habitat map of the pre-development baseline, and a lack of clarity regarding the classification of the existing grassland habitat.

47. Given the statutory requirement for mandatory biodiversity net gain, the planning authority will need to secure a biodiversity gain condition as a pre-commencement requirement. This condition should include a Biodiversity Gain Plan, metric calculations, pre- and post-development habitat plans, legal agreements, Biodiversity Gain Site Register references (if applicable), and proof of any off-site biodiversity credit purchases.
48. Additionally, a Habitat Management and Monitoring Plan (HMMP) must be secured for significant on-site enhancements, including individual trees, with maintenance and monitoring obligations for up to 30 years. Monitoring reports should be provided to the LPA at specified intervals, and any remedial or adaptive management measures agreed to ensure the objectives of the Biodiversity Gain Plan are achieved.
49. Until the above information and documentation are provided, it is not possible to confirm that the proposed development will deliver the required biodiversity net gain in accordance with statutory and planning policy requirements.

#### Equalities and Diversity Implications

50. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
51. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
52. Taking account of the nature of the proposed development and representations received, it 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

53. Refuse

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments to make.

Essex County Council Place Services (Historic Buildings and Conservation):

The application is for Laying permeable hardstanding on existing unsurfaced agricultural tracks. The application Site comprises two tracks, which are within the wider setting of the Battlesbridge Conservation Area. Track 2 terminates at its northern end close to the moated site of Beeches Farmstead, which though undesignated, can be considered a non-designated heritage asset. The Moated Site is included on the Essex Historic Environment Record (HER Ref: 7517).

The proposed permeable hardstanding of the two tracks would not have a detrimental impact on the special interest of the Conservation area, nor would it reduce the significance of the moated site and I have no objections. I recommend the local authority consult the Historic Environment Officer for their comments on any below-ground archaeological impacts resulting from this application.

Essex County Council Place Services (Archaeology):

There are no recorded heritage assets within the area of the proposed development on the Essex Historic Environment Record (EHER). The trackways are depicted on the 1st edition Ordnance Survey map of 1877 and so date to at least the nineteenth century. Due to the nature and extent of the proposed works there will be no significant impact on any below ground archaeological remains. There will be no requirement for any archaeological investigation for the above development.

Environment Agency: We have inspected the application as submitted and have no objection. Although part of the development site is in flood zone 3, we are confident that the nature of the development will not impact on flooding and will not increase flooding outside the site.

Essex County Council Place Services Ecology: We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

Neighbour representations: No responses received.

### **Relevant Development Plan Policies:**

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

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policy GB1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – Policy DM1.

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

The Essex Design Guide (2018).

Natural England Standing Advice.

**RECOMMENDATION: REFUSE**

1. The submitted Biodiversity Net Gain Statement (Plumb Associates, July 2025) fails to adequately assess the potential presence of Great Crested Newt, a European Protected Species, despite the site being located within an Amber Risk Zone and in close proximity to a pond. No assessment of ponds or habitat connectivity has been undertaken, and as such the Local Planning Authority cannot be satisfied that the proposed development would not result in harm to Great Crested Newt or its habitats. The application therefore fails to provide sufficient information to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework and the Rochford District Council Local Development Framework Development Management Plan Policy DM27.
2. The submitted Biodiversity Net Gain Statement (Plumb Associates, July 2025) and the Statutory Biodiversity Net Gain Calculation Tool (June 2025) do not provide sufficient or robust information to enable the Local Planning Authority to properly assess the proposed biodiversity net gain in accordance with statutory requirements and the Biodiversity Net Gain Planning Practice Guidance (PPG). The information provided is therefore considered inadequate to support determination.

A key deficiency is the absence of a detailed pre-development habitat map. Such a map is essential to establish the baseline biodiversity value of the site and to ensure transparency in habitat identification and subsequent net gain calculations. The PPG advises that habitat mapping should ideally follow the UK Habitats Classification v2 criteria, enabling accurate and consistent comparison between pre- and post-development conditions. Without this, the baseline assessment cannot be verified, and the calculation of biodiversity units remains incomplete.

Further clarification is also required regarding the proposed habitat classification. The Statement categorises the grassland as ‘modified grassland’; however, photographic evidence indicates the sward is dominated by *Arrhenatherum elatius* (False Oat-grass), which may

meet the criteria for 'Other neutral grassland' (g3c5) under UK Habitats Classification v2. The rationale for the chosen classification has not been adequately explained, making it unclear whether the assessment of biodiversity value and the proposed net gain are accurate or justified.

In the absence of a pre-development habitat map and clear justification of habitat types, the Local Planning Authority cannot verify the baseline conditions or assess the proposed biodiversity net gain in a reliable manner. Consequently, the application does not demonstrate compliance with statutory biodiversity net gain requirements, and determination of the proposal cannot be supported.

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



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|------------------|---|
| Application No : | 25/00434/FUL      Zoning : Metropolitan Green Belt  |
| Case Officer     | Mr Richard Kilbourne  |
| Parish :         | Ashingdon Parish Council  |
| Ward :           | Hockley And Ashingdon   |
| Location :       | Land Opposite "Brambles" Ellesmere Road, Ashingdon.   |
| Proposal :       | Demolish the existing buildings on site, sub-divide the plot and construct two new build 4 bedroomed detached chalet bungalows with private driveways. Widen existing vehicular access. |

## **SITE AND PROPOSAL**

1. The application site comprises an irregular shaped parcel of land situated on the western side of Ellesmere Road — an unmade, privately maintained road that links directly with Canewdon Road to the south and Lyndhurst Road to the north. The wider locality is distinctly semi-rural in character, typified by intermittent plotland type residential development fronting unmade roads and interspersed amongst areas of woodland, open fields and natural landscape features. The entirety of the application site lies within designated Metropolitan Green Belt.
2. The site itself extends to approximately 2983m<sup>2</sup> in area, with approximate dimensions of 30.8m frontage widening to 58.6m at the rear over a depth of 72m. The land is broadly level in terms of topography and is enclosed along the majority of its perimeter by close boarded timber fencing and mature native hedgerows, which are punctuated at sporadic intervals by mature trees. The site is accessed via a pair of timber gates fronting Ellesmere Road. Currently the site is used for storage and contains a plethora of outbuildings, which are all in a poor state of repair together with numerous containers.
3. The current proposal seeks planning permission for the demolition of the existing buildings on site, to sub-divide the plot and construct two 4 bedroomed detached chalet bungalows with private driveways and to widen the existing vehicular access.

## **RELEVANT PLANNING HISTORY**

4. No relevant history pertaining to this site.

## **MATERIAL PLANNING CONSIDERATIONS**

5. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to

section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

6. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

#### Green Belt considerations

7. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024 and subsequently amended in February 2025. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
8. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration.

10. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

11. Paragraph 142 of the framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Para. 143 repeats the five purposes of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns; and
- v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

12. Paragraph 153 explains that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

13. Paragraph 154 of the Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
  - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
14. By virtue of paragraph 154 of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (e), paragraph 154 of the framework.
15. Furthermore, Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
16. Building upon para. 154 is para. 155 of the framework, which enunciates that a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -
- The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a. The development would utilise green belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
17. The guidance stated within paragraphs 110, 115, 156 to 157 are not applicable to the determination of this application.
18. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (*R (Wildie) v Wakefield MDC* [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances,

and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” in their own right.

19. As previously stated, the subject site is situated on the western side of Ellesmere Road, which is an unmade private track providing access to both Canewdon Road to the south and Lyndhurst Road to the northwest. The surrounding area is characterised by a traditional plotland pattern, where residential dwellings are sporadically arranged along a network of unmade roads. While the site lies outside the defined settlement boundary, the general character of the area is that of a small residential enclave set within a wider rural landscape. The site is located entirely within the Metropolitan Green Belt.
20. The application site comprises an irregularly shaped parcel of land extending to approximately 2,983m<sup>2</sup>. It is located immediately to the south of ‘Conway’, a detached residential dwelling, and forms part of a predominantly semi-rural residential setting. The surrounding area is characterised by a mix of residential properties and natural features, with a small wooded area immediately to the south and a linear arrangement of residential dwellings directly to the east, across the adjacent access route.
21. Topographically, the site is relatively flat, which offers potential advantages in terms of development feasibility and minimising the need for significant land regrading. The relatively level terrain also contributes to a limited visual impact from within the wider landscape, particularly when combined with existing vegetative screening.
22. The site contains a number of trees of varying species and maturity. While not forming part of a formal woodland, these trees contribute to the verdant character of the site and may offer ecological and amenity value. The boundary treatment consists predominantly of mature native hedgerows, though these are patchy in places. At intermittent intervals, the boundaries are punctuated by mature trees, which further reinforce the natural setting and offer partial visual screening from surrounding properties and roadways.

23. A number of timber outbuildings, containers and piles of detritus are distributed throughout the site. The outbuildings vary in size and condition but are generally in a state of disrepair. They appear to have evolved over time without a cohesive design strategy and are likely to have been erected for incidental or informal storage purposes. The case officer's site visit confirmed the presence of scattered detritus and redundant materials, contributing to a sense of visual clutter and a degraded site condition.
24. As previously stated, the applicant is proposing to demolish the existing outbuildings and remove all the detritus and sever the plot into two and erect 2 No. detached dwellinghouses (one on each plot).

#### Impact on Openness and Infilling

#### Assessment Against Exception (e)

25. Exception (e) of paragraph 154 of the NPPF sets out three key criteria that must be satisfied for development to be considered appropriate within the Green Belt: (i) whether the proposal constitutes infilling, (ii) whether such infilling is 'limited', and (iii) whether the site can be regarded as being located 'in a village'. Each of these criteria must be carefully assessed based on the specific site context and the broader local and national planning policy framework.
26. A recent and relevant material consideration is the Planning Inspector's decision on appeal reference APP/B1550/W/23/3333454, concerning planning application 23/00623/FUL which sought planning permission for the erection of a detached dwelling adjacent to Valentine Cottage, Ethelbert Road - a site situated in close proximity to the current application site. The application was appealed on grounds of non-determination, and the Inspector undertook a detailed assessment of the proposal against Paragraph 154(e) of the NPPF and Core Strategy Policy GB1.
27. The Planning Inspector concluded:

*"I conclude the proposal would not be inappropriate development in the Green Belt. I also find no conflict with CS Policy GB1."*

28. In reaching this conclusion, the Inspector accepted that the development met the definition of limited infilling in a village, as set out both in national planning policy and in the local development framework. The decision confirms that, within the context of Ashingdon, the site was deemed to lie within a village envelope, that the development constituted infill within an established built-up frontage, and that its scale was appropriately limited.



29. The Inspector specifically observed:

*“There is no pertinent or compelling evidence before me to demonstrate that Ashingdon and Rochford are physically contiguous, nor has any substantive information been submitted to support the contention that Ashingdon has outgrown the definition of a village due to its size. Moreover, I have not been provided with any defined boundaries delineating the extent of the urban areas in question.”*

30. Further, the Inspector clarified:

*“The fact that Ashingdon is identified alongside Rochford within Tier 1 of the settlement hierarchy does not, in itself, provide sufficient justification to conclude that Ashingdon no longer retains the status of a village. The designation within a settlement hierarchy is a matter of policy classification and does not equate to a definitive assessment of physical form, scale, or functional relationship.”*

31. Most notably, the Inspector concluded:

*“Accordingly, and irrespective of whether Ashingdon shares certain characteristics with other settlements traditionally classified as villages, I am satisfied that it does indeed constitute a village for the purposes of paragraph 154(e) of the National Planning Policy Framework (NPPF).”*

32. The Inspector finally determined:

*“It is not in dispute that the proposal constitutes limited infilling. Consequently, I find that the development satisfies all the criteria set out within paragraph 154(e) of the Framework.”*

33. This appeal decision is of significant material weight in the assessment of the current application. It provides a recent and directly relevant interpretation of how national Green Belt policy should be applied within the Ashingdon context. In particular, it establishes a precedent for recognising Ashingdon as a village under the provisions of Paragraph 154(e), and it offers clear policy guidance on what constitutes limited infilling.

34. Following this appeal decision, the applicant submitted a revised application (25/00254/FUL) for a self-build dwelling and associated works, which was approved on 12th June 2025.

35. Accordingly, and consistent with the Inspector's findings, the current application site must be considered to lie within a village, satisfying the first criterion under Paragraph 154(e). This conclusion forms a strong and authoritative material consideration that affirms both the status of Ashingdon as a village and the acceptability of limited infilling under the relevant policy framework. It must therefore be given substantial weight

in the determination of the present application and should not be disregarded without robust and compelling justification.

36. Turning to the second element of Paragraph 154(e) - the question of scale - the proposal seeks consent for the erection of two dwellinghouses. These are relatively modest in size and number and can be reasonably described as limited in scale. The development therefore satisfies the requirement to ensure that new housing in sensitive or rural locations does not result in disproportionate growth that might undermine local character or conflict with planning objectives.
37. In conclusion, both the location of the site within a village and the limited scale of the proposal are consistent with the requirements of Paragraph 154(e) of the NPPF. In light of the clear precedent set by the Inspector's previous decision and the alignment of this application with national and local Green Belt policy, the proposal should be regarded as appropriate development within the Green Belt.
38. In assessing the remaining element of paragraph 154, exception (e) of the NPPF 2024—whether the proposed development can properly be regarded as “limited infilling”—it is necessary to undertake a detailed appraisal of the site's spatial and physical context. Infilling is typically understood to involve the development of a small gap within an otherwise built-up frontage, and whether a site qualifies depends on both its physical characteristics and its relationship to the existing settlement pattern.
39. The application site lies immediately to the south of “Conway,” a detached residential dwelling fronting Ellesmere Road. The site currently accommodates several utilitarian outbuildings in a poor state of repair, used for incidental storage purposes. These structures do not contribute positively to the character of the area and are visually recessive. To the south of the site lies a small wooded area, beyond which is the next residential property, oriented at 90 degrees to the application site, with its principal elevation facing Canewdon Road. The distance between the application site and this southern dwelling is approximately 82m. However, this entire interval does not constitute open countryside; a substantial portion forms the residential garden associated with the Canewdon Road property and the wooded area provides an element of natural screening. The combination of domestic garden use and tree cover means that this gap does not read as a wide, open, or rural void, and the site continues to feel visually and functionally part of the settlement envelope.
40. The prevailing spatial pattern along Ellesmere Road is that of ribbon development interspersed with gaps of varying scale, a characteristic feature of this semi-rural context. Immediately north of Conway is “Gophe,” another detached dwelling, followed by a smaller gap of approximately 22m before the next property, “The Cabin.” In contrast,

the opposite side of Ellesmere Road displays a continuous linear frontage of detached and semi-detached dwellings, which reinforces the perception of a built-up street scene. The application site sits directly opposite an established residential frontage, visually tying it to the settlement and preventing any sense of detachment.

41. When the application site is read within this context, the 82-metre separation to the next dwelling to the south is significant in quantitative terms but less so in qualitative terms. This is because the site is visually contained on three sides: by Conway to the north, by the wooded area and domestic garden to the south, and by the linear frontage opposite. In spatial terms, the site forms a logical and perceptible gap within the existing built-up frontage, rather than an outward projection into open countryside. Development on the site would effectively consolidate the existing ribbon of residential plots along Ellesmere Road, preserving the prevailing urban grain.
42. The proposed two 1.5-storey detached dwellings are proportionate to the existing built form and would be read as a continuation of the established development pattern. Importantly, they would not breach the informal southern edge of the settlement, as the wooded strip and the Canewdon Road dwelling define the visual transition to the more open landscape beyond. Consequently, the proposal would not disrupt the spatial rhythm of Ellesmere Road, nor would it represent an incursion into countryside.
43. Having regard to these considerations, the proposal is assessed to constitute “limited infilling” as envisaged by paragraph 154(e) of the NPPF 2024. It fills a gap within an otherwise built-up frontage, maintains the continuity of the settlement, and would not extend the built form into open countryside.
44. In summary, the proposed development satisfies all three criteria of Paragraph 154(e) of the NPPF 2024 for appropriate development within the Green Belt. Firstly, the site is demonstrably located *within a village*, as confirmed by the Planning Inspector’s findings in appeal reference APP/B1550/W/23/3333454, which affirmed Ashingdon’s village status despite its inclusion within a broader settlement hierarchy. This recent decision represents a material and authoritative precedent that must be afforded significant weight.
45. Secondly, the proposal clearly qualifies as *limited* in scale. The development comprises just two modest, 1.5-storey dwellings that align with the existing pattern and density of built form along Ellesmere Road. The scale is proportionate and sensitive to the character of the area, avoiding any harmful intensification or visual intrusion.
46. Finally, a detailed spatial and contextual assessment demonstrates that the proposal constitutes *limited infilling* within an otherwise built-up frontage. The site is visually enclosed and functionally integrated into

the settlement, with natural and built features reinforcing its containment. The proposed development would consolidate, rather than extend, the existing linear pattern of development, preserving the character of the area and avoiding encroachment into open countryside.

47. Accordingly, the application meets the requirements of Paragraph 154(e) of the NPPF and should be regarded as appropriate development within the Green Belt. There is no conflict with national or local policy, and no robust reason has been identified that would justify withholding permission.

#### Housing Land Supply

48. Rochford District Council is presently unable to demonstrate a full five-year supply of deliverable housing sites, as required by the Framework. The submitted proposal seeks the demolition of the existing outbuildings on site and the construction of two detached, 1.5 storey dwellings. According to the Council's most recent Annual Monitoring Report (2024) the Authority's five-year housing land supply stands at 4.53 years. This shortfall confirms that, in general, the Council cannot currently demonstrate a complete five-year supply of deliverable housing land.
49. Despite the above, it is critical to note that the application site is located entirely within the Green Belt. The Framework (Chapter 13) establishes that the Green Belt enjoys a high level of protection, with the construction of new buildings generally regarded as inappropriate unless very special circumstances exist. Where development is proposed within the Green Belt, paragraph 11(d)(i) of the Framework explicitly states that the presumption in favour of sustainable development—the so-called 'tilted balance' - is disapplied where policies protecting areas of particular importance including Green Belt provide a clear reason for refusal.
50. As a result, notwithstanding the Council's current five-year housing land supply shortfall, the application of the tilted balance is precluded in this instance due to the site's Green Belt designation. Any planning assessment of the proposal must therefore be undertaken primarily against the development plan and relevant Green Belt policy, with the presumption in favour of sustainable development not engaged. This ensures that the decision-making process accords with the hierarchy of policy protection afforded to Green Belt land under the Framework. It is acknowledged that the need for housing and the Council's failure to meet the need is a significant material planning consideration.

#### Sustainability

51. The applicant's agent stresses that the proposal is not located in a disparate and isolated location and if permitted will help to contribute to

the local economy through the creation of jobs during the construction phase and residents of the property will be able to utilise local goods and services. Furthermore, the agent has inferred that this windfall site will help to create 2No. additional dwellings which will help to meet the needs of the local community due to the housing shortage.

52. With regards to the Council's policy DM10, the following criteria needs to be adhered to for the redevelopment of Previously Developed Land to be considered acceptable:

- (i) is well related to a defined residential settlement;
- (ii) is well related to local services and facilities;
- (iii) has good connections to the strategic road network;
- (iv) would promote sustainable transport modes;
- (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (vi) is located within the South Essex Coastal Towns landscape character area.

53. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The site is located approximately 650m north-east from Ashingdon Primary School. In respect of connections to the road network, Ellesmere Road is accessed from Canewdon Road, which connects with the neighbouring conurbations of Canewdon and Ashingdon. Both of these conurbations contain various shops and retail outlets for everyday living. The surrounding road network is relatively flat and could be used by cyclists.

54. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area and would not negatively impact the historic environment.

55. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale development such as that proposed would be capable of being delivered relatively quickly.

#### Design considerations

56. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. Moreover, policy H1 of the Core Strategy states that in order to protect the character of existing

settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

57. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
58. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
59. The current proposal is a full application for the erection of 2 No. detached dwellinghouses. The redevelopment of a site, especially where it forms a significant part of local character, often disrupts the grain of development and will be considered unacceptable. The proposed dwellings as shown on the proposed site layout would directly face onto Ellesmere Road. Properties along this stretch of Ellesmere Road display varying architectural styles and there is little uniformity within the streetscene, which include detached bungalows and chalet style bungalows some incorporating gables. Some of the properties are constructed out of facing brick of varying colours and textures, whilst others are rendered. There is a rich tapestry of architectural styles and use of materials, which helps to create a sense of place. Generally, dwellings along Ellesmere Road provide proportional gardens to the front and rear of the properties in an established rhythm and setting.
60. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which



they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.

61. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
62. The application site is located along Ellesmere Road, characterised by a varied architectural vernacular, comprising detached and semi-detached dwellings with a mix of ridge heights, roof forms, and plot widths. As such there is no homogeneous building typology. Furthermore, there is no rigid building line or uniformity in scale, which allows for a certain degree of design flexibility, provided that proposals remain respectful of established spatial and architectural rhythms.
63. The proposed development seeks to subdivide the existing plot into two. Plot No.1 will form the southern portion of the application site and is significantly larger than Plot No.2, which will form the northern portion of the site, the boundary of this plot will form the common boundary shared with “Conway”. Both dwellings are to be positioned with a uniform set-back of approximately 7.2m from Ellesmere Road. This set-back distance has been carefully considered to ensure a sympathetic integration with the established building line along this section of the street. Notably, the proposed front elevations are shown to be broadly aligned with those of the adjacent properties ‘Conway’ and ‘Gophe’, situated immediately to the north of the application site. This alignment not only reinforces the prevailing rhythm and continuity of the built form along Ellesmere Road but also minimises any potential visual intrusion or disruption to the established streetscape.
64. The submitted plans demonstrate that the dwellings can achieve a minimum plot width in excess of 9.25 metres and maintain a minimum 1-metre separation from both side boundaries. These spatial arrangements conform to the spatial parameters stipulated in the Council’s Supplementary Planning Document 2 – *Housing Design* (SPD2), which emphasises the importance of avoiding overdevelopment and preserving adequate space between dwellings to sustain suburban character and visual relief within the streetscape.
65. According to the submitted plans both dwellings are identical in design, scale and mass but handed in layout. The proposed dwellings adopt a simple but considered slightly elongated rectilinear footprint measuring approximately 13.1m in depth by 11.8m in width (maximum). They will rise to a ridge height of roughly 7.8m and 2.3m to the eaves. This scale is contextually appropriate, sitting comfortably within the range of neighbouring ridge heights. The height of the new dwellings ensures that they will not dominate the skyline or appear visually intrusive when viewed from the public realm.

66. The articulation of the built form, through the use of roof planes, a projecting central gable element on the front elevation, single storey rear outrigger and dormer windows, helps break up the bulk of the structures, avoiding a monolithic or overly horizontal mass. The form is further softened by the inclusion of a 1-metre-wide side access, enhancing permeability and avoiding a sense of visual cramping.
67. The design language is restrained and adopts traditional materials – facing brickwork, timber cladding, concrete roof tiles, and uPVC windows and doors – which are consistent with the local material palette. While the architecture is not avant-garde, it is contextually sensitive, avoiding pastiche or inappropriate mimicry. The balanced and proportionate fenestration strategy contributes positively to the façade rhythm and ensures natural surveillance onto Ellesmere Road.
68. Each of the proposed dwellinghouses will incorporate two pitched roofed dormer windows on the front-facing roof slope. Each dormer is designed to measure approximately 2.2m in width and up to 2.7m in height, projecting no more than 3m from the plane of the roof. Importantly, the dormer windows are vertically aligned with the ground floor fenestration, which contributes to a coherent and balanced façade composition. Located between the dormers, a small rooflight is proposed.
69. From a design and policy perspective, the dormers have been carefully considered to ensure compliance with the relevant guidance, including the Essex Design Guide and the Council's SPD2. Both documents emphasise that dormers should be clearly subordinate to the main roof structure, be proportionate in scale, and visually integrated into the roofscape. The proposals meet these criteria: the dormers are modest in size, feature pitched roofs in keeping with the architectural character of the dwellings and preserve substantial verge details, which enhance their integration with the proposed roof form.
70. Furthermore, the dormers are deliberately set down from the ridge line and pulled back from the eaves, which serves to minimise their visual prominence. This spatial positioning ensures that they are read as secondary elements, thereby preserving the primacy of the main roof form. This approach aligns with best practice in residential design, where dormer additions should not dominate the roof or disrupt the architectural integrity of the elevation.
71. In summary, the proposed dormers demonstrate a clear response to both policy and contextual design requirements. Their scale, form and placement are consistent with established design principles and contribute positively to the overall architectural quality of the proposed dwellings.
72. In addition to the above, the proposal involves the construction of a swept / cat slide roof-style dormer on the rear-facing roof plane of each

of the dwellings, measuring approximately 10.1m in width with a projection of 2.6m. This represents a substantial addition in terms of footprint, occupying a large proportion of the rear roof slope. However, the design incorporates key mitigating features that reduce its overall visual impact and contribute positively to its integration with the proposed dwelling.

73. Notably, the dormer is both set down from the main roof ridge and set in from the side verges. These design choices are consistent with good practice as outlined in local design guidance, ensuring that the dormer appears subservient to the main roof form rather than dominating it. The use of materials that match the proposed pitched roof dormers on the opposite roof slope further enhances visual cohesion and architectural consistency across the rear elevation.
74. While the dormer is relatively wide, its position on the rear-facing roof plane, away from public vantage points, limits its visibility from the public realm and streetscene. As a result, any potential impact on visual amenity and the character of the wider area is minimal. This aligns with principles set out in both the adopted Supplementary Planning Document (SPD) and the Framework, which advocate for proportionate, contextually responsive design solutions.
75. In terms of scale and massing, the dormer avoids a bulky or top-heavy appearance due to its recessed position within the roof structure. The swept roof design also provides a softer and more integrated form compared to flat-roofed alternatives, further reducing any sense of overdominance.
76. The front elevation of the proposed dwellings feature a central projecting gable element that forms the main entrance statement to each of the proposed dwellings. This gabled element includes a centrally located pedestrian door flanked by glazed side panels and topped with triangular glazed sections. The projection is framed on both sides with facing brick which continues along the front and side elevations. The eaves of the gabled porch align with those of the main dwelling, though its ridge would extend significantly higher, creating a strong visual focal point. Contemporary in style, the gable complements the overall design and echoes the roof pitch of the proposed front dormers, ensuring cohesion across the elevation.
77. To either side of the porch, two large windows (one on either side) provide balance and help break up the massing of the façade, contributing to a sense of symmetry through strong horizontal and vertical elements. Most of the front elevation will be clad in horizontal black timber panels, set above a brick plinth. The ground floor windows sit directly below the slightly smaller dormer windows above, reinforcing the elevation's orderly and harmonious appearance.

78. The proposed dwellings will each include a single-storey rear outrigger designed to provide additional ground floor living accommodation. This extension is modest in scale and proportionate to the overall footprint of the dwellings. It incorporates a centrally located roof lantern, which will introduce natural daylight into the internal space, improving the quality of living and reducing reliance on artificial lighting during daylight hours. The design of the outrigger remains subservient to the main dwelling and respects the architectural character of the proposed development.
79. The rear elevation of each outrigger features a centrally positioned set of bi-folding doors that provide access to the rear garden, enhancing the functional relationship between internal and external spaces. These doors are flanked on either side by large, fixed-pane windows that create a symmetrical and balanced appearance. This arrangement is consistent with contemporary residential design principles, promoting natural light and a connection with outdoor space, while ensuring that the visual impact remains minimal. The size and placement of the openings are considered appropriate and do not result in any unacceptable harm to the privacy or amenity of neighbouring occupiers.
80. On the flank elevation a personnel door will provide access to a utility room. At first floor level would be a single, modestly scaled window which will serve an en-suite bathroom. This window is expected to be obscure-glazed, further safeguarding the privacy of adjacent properties. Both the door and window are domestic in scale and have been carefully positioned to avoid any direct overlooking or adverse amenity impacts. Their inclusion is both practical and proportionate and would not detract from the overall appearance of the dwellings. The flank elevations which incorporate the personnel door and first floor aperture will face each other.
81. No other apertures are proposed on the remaining elevation. This restraint ensures that the design remains clean and uncluttered, avoiding unnecessary apertures that could potentially lead to overlooking or privacy concerns.
82. Although the development does not introduce innovation in architectural language, it demonstrates a measured and responsive design approach; It respects the rhythm and hierarchy of forms in the area while asserting a subtle contemporary presence through its dormers, gable articulation, and glazing.
83. The overall site layout, including the provision of on-site car parking to the front and private amenity space to the rear, demonstrates that each plot is capable of accommodating the proposed dwelling without leading to overdevelopment. The generous plot size avoids any sense of visual congestion or over-intensification and provides adequate space for soft landscaping and tree planting to further integrate the buildings into their settings.

84. Internally the proposed accommodation for each dwelling will comprise a formal lounge, hall, w.c., storage cupboard, study, utility, pantry and open plan kitchen, dining and living room at ground floor level. Whilst the first floor accommodation will comprise 4No. bedrooms (one will be ensuite) airing cupboard, galleried landing and a family bathroom.
85. When assessed against the relevant design policies – including the Council's Policy DM1, SPD2, the Essex Design Guide and the Framework – the proposal is found to be compliant. It demonstrates adherence to design principles including scale, massing, articulation, material compatibility, spatial quality, and contextual sensitivity.
86. While the design is modest and not architecturally distinctive, it does not need to be so in order to meet the test of good design. The Framework supports development that is sympathetic to local character without necessarily replicating it, and the proposed dwellings achieve this balance.
87. The proposed development constitutes well-designed, contextually appropriate additions to Ellesmere Road. They would maintain the character of the surrounding area, delivering an acceptable standard of accommodation and avoid harmful impacts in terms of visual amenity or townscape coherence. Therefore, from a design and visual impact perspective, the proposal is compliant with both national and local planning policy.

#### Impact on Residential Amenity

88. 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 the Council's Policy DM1 which seeks to ensure that new developments avoid overlooking, ensure privacy and promote visual amenity and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
89. Amenity is defined as a set of conditions that ought reasonably be expected to be enjoyed 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 (reasonable enjoyment) of adjacent properties.

90. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution.
91. A principal consideration in determining this application is its effect upon the residential amenity of occupiers of adjacent properties. The proposed dwellinghouse (plot 2) will be sited approximately 2.2m from the shared boundary with the neighbouring property, Conway, tapering down to a minimum distance of 1.8m at its closest point. The common boundary is currently delineated by a 1.8m high close-boarded timber fence, which provides a moderate level of visual screening between the two properties. In addition, a detached outbuilding is located within the rear garden of Conway, directly abutting the boundary shared with the application site. This built form contributes further to the sense of enclosure along this boundary and serves to partially obscure direct lines of sight between the proposed development and the principal amenity space associated with Conway.
92. No openings are proposed in the flank elevation of the new dwelling adjacent to Conway. This intentional design ensures there would be no direct overlooking or intervisibility from this elevation, thereby preserving the privacy of the neighbouring occupiers.
93. The case officer recognises that the proposed dwelling is located directly to the south of Conway. In assessing its impact, careful consideration has been given to the proposal's orientation, proximity, and adherence to established planning guidance, including the 45-degree rule. A detailed analysis confirms that the development does not encroach upon the 45-degree sightline taken from the nearest rear facing habitable room window at Conway. This indicates that the proposal would not result in an unacceptable loss of daylight or outlook for the existing occupiers. When the case officer conducted his site visit, he witnessed several windows in the flank elevation of Conway that face the application site.
94. Several mitigating factors have also been considered in the assessment, including the existing separation distance between the two properties, the effectiveness of boundary treatments such as fencing and vegetation, and the overall scale and massing of the proposed dwelling. The design and placement of fenestration have been carefully managed to minimise potential overlooking and avoid any sense of overbearing.
95. Taking all of these factors into account, it is concluded that the proposed development would not cause any significant harm to the residential amenities of occupiers of Conway. In particular, the proposal would not lead to an undue loss of privacy, daylight, or outlook, nor would it appear overbearing or visually intrusive from this neighbouring property. The scheme is therefore considered acceptable in terms of its



relationship with adjacent occupiers and compliant with relevant local planning policies concerning amenity impacts.

96. While the southward positioning of the proposed dwelling relative to Conway could typically raise concerns about overshadowing and loss of light, the evidence provided - including compliance with the 45-degree rule - demonstrates that these impacts would be limited. The sufficient separation between the properties, appropriate scale and massing, and retention of boundary treatments further mitigate any potential adverse effects. The absence of windows in the northern flank elevation of the proposed dwellinghouse also prevents any overlooking or perception of dominance. As such, it is considered that the proposed development would not give rise to any significant adverse impact on the residential amenity of Conway and complies with both local and national policies relating to the protection of amenity.
97. During the course of the site visit, the case officer observed that immediately to the south of the application site is a modestly sized wooded area which serves as a natural buffer. Beyond this vegetated strip lies the nearest residential property, situated approximately 82m from the southern boundary of the application site. This neighbouring dwelling is orientated at a perpendicular angle (90 degrees) to the application site (plot No.1), with its principal elevation facing Canewdon Road rather than directly overlooking the proposal site.
98. The intervening distance of roughly 82m, combined with the physical screening provided by the wooded area and any existing boundary treatments (such as fencing or hedgerows), significantly reduces the potential for direct overlooking, loss of privacy, or visual intrusion. Furthermore, the relative orientation of the neighbouring property limits the potential for a direct line of sight or shadowing impacts.
99. Taken together, these factors provide a robust degree of spatial and visual separation, which is considered sufficient to ameliorate any adverse impacts the development might otherwise have on the residential amenity of this neighbouring property. As such, the proposal is not anticipated to result in any materially harmful effects in terms of privacy, outlook, or general amenity to the occupants of the nearby dwelling.
100. On the opposite side of Ellesmere Road from the application site, there are several existing residential properties with their main elevations facing directly onto the street. The proposed dwellings will be set back more than 23m from the front wall of these existing properties. This level of separation helps to preserve an acceptable relationship between the new and existing homes, particularly in a frontage-to-frontage arrangement, where some mutual overlooking of the public realm is typical and generally considered acceptable in planning terms. It is also widely recognised that when a property faces the street, objections based on overlooking from properties opposite

are not usually sustainable, as front-facing windows are already visible to people passing along the street.

101. While the proposed and existing dwellings will face each other across the road, the intervening space comprises a public highway rather than private garden space. As such, any degree of overlooking is not regarded as harmful. In addition, the design of the proposed dwellings incorporates elements such as setbacks, varied massing, and detailed fenestration, which help to reduce visual bulk and avoid any sense of overbearing or intrusive development.
102. The overall scale and form of the proposal would be consistent with the established character of the area, and the height and massing are considered appropriate in relation to surrounding buildings. Taking these factors into account, the case officer concludes that the development would have only a minor impact on the residential amenities of neighbouring occupiers and would not result in unacceptable levels of overlooking, loss of privacy, or visual intrusion.
103. Overall, it is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Council's Development Management Plan.

#### Living Conditions of Future Occupiers

##### Garden Size

104. The Framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
105. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD2 advises a suitable garden size for each type of dwelling house. Paragraph 130 criterion (f) of the Framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
106. The Council's Supplementary Planning Document 2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings except one and two-bedroomed dwellings where a minimum private garden area of 50 m<sup>2</sup> would be required. The proposed development would provide two, four bedroomed dwellings. Both of the properties would be provided with rear private amenity spaces of 1540m<sup>2</sup> (plot No.1) and 787m<sup>2</sup> (plot No.2), both plots would thus have private amenity space well in excess

of the required 100m<sup>2</sup> which would satisfy the outdoor amenity space requirements, as set out in SPD2.

### Sustainability

107. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
108. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
109. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
110. A two storey dwelling which would comprise of four bedrooms accommodating either seven or eight people would require a minimum Gross Internal Floor Area (GIA) of 115m<sup>2</sup> or 124m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 3m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellings will measure approximately 220m<sup>2</sup> and way exceed the minimum requirements.
111. The table below shows the Gross Internal Floor area for each of the bedrooms.

| Plot 1       |                    | Plot 2       |                    |
|--------------|--------------------|--------------|--------------------|
| Bedroom No.1 | 14.7m <sup>2</sup> | Bedroom No.1 | 14.7m <sup>2</sup> |
| Bedroom No.2 | 16m <sup>2</sup>   | Bedroom No.2 | 16m <sup>2</sup>   |
| Bedroom No.3 | 12.7m <sup>2</sup> | Bedroom No.3 | 12.7m <sup>2</sup> |
| Bedroom No.4 | 14.7m <sup>2</sup> | Bedroom No.4 | 14.7m <sup>2</sup> |

112. According to the submitted plans all the bedrooms comply with aforementioned policies. The storage area indicated on the submitted plans amounts to approximately 1.5m<sup>2</sup> of storage space which is not in accord with the aforementioned guidance; however, the proposal substantially exceeds the recommended minimal GIA for a four bedroomed property and as such it is considered the storage space shortfall of 1.5m<sup>2</sup> insufficient justification to warrant a refusal and substantiate it at any future Appeal.
113. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
114. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Impact on Highway Safety

115. Policies DM1 and DM3 of the Council's Development Management Plan (DMP) require all development proposals to provide an appropriate level of car parking provision, having regard to the nature of the development, its location, and the accessibility of the site. Policy DM30 further reinforces the need to create and maintain an accessible environment, specifically requiring development proposals to provide adequate parking facilities in accordance with the Council's adopted parking standards.
116. In assessing the acceptability of development in relation to highway impacts, paragraph 116 of the Framework is material. It clearly states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. This establishes a high threshold for refusal, requiring demonstrable evidence of significant harm resulting from the proposed development.
117. The application includes a detailed layout plan (Plan Ref: 25/957 503 Revision A), which demonstrates that the existing centralized access will be widened and will serve both properties. Ellesmere Road is a private, single-width, unadopted road without formal surfacing. Notwithstanding its informal nature, it is a functioning access route

serving existing properties in the locality and is not subject to any current restrictions that would prevent access or intensification of use.

118. The proposed layout confirms the provision of at least two off-street parking spaces located at the front each of the proposed dwellinghouses, arranged side-by-side to ensure usability and to minimise manoeuvring requirements. The site is within a low area of connectivity as defined at Appendix A to the new current parking standards. As such each proposed dwelling would need to be provided with three vehicle parking bays with one shared visitor space. Each plot would be provided with two off street parking spaces. However, to ensure the level of provision is consistent with the Council's adopted parking standards for a dwelling of this size and location there would need to be a widening of the provision to include a minimum of a further one and preferably two parking spaces to allow for visitor parking and ensure that there would be no displacement of vehicles onto surrounding roads or neighbouring land. This could be provided as a condition to the grant of permission.
119. Given the site's access onto a private road, the Local Planning Authority considered it appropriate to consult Essex County Council's Highways Authority. The Highways Authority responded stating that *"The proposal includes the subdivision of the site and the existing vehicle access will be widened. Ellesmere Road is a private road. A minimum of two off-street parking spaces should be provided for each dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.
120. This formal consultation response provides a clear and expert opinion that the proposal in their view would be therefore located in an area of moderate connectivity and would not result in any unacceptable impact on the highway network, nor would it give rise to safety concerns despite the shortfall in one space per plot. The development meets the minimum parking standards and has been found to be acceptable in principle by the relevant statutory consultee.
121. The Local Planning Authority has no evidence to suggest that the development would result in conditions contrary to paragraph 116 of the NPPF. While it is acknowledged that Ellesmere Road is of limited width and informal construction, the introduction of 2No. dwellings is not considered to result in a level of vehicular movement or intensification that would give rise to either a severe cumulative impact or an identifiable risk to highway safety.
122. Furthermore, the proposed access arrangements and parking provision ensure that vehicles can enter and leave the site in a safe and practical manner, without giving rise to conflict with other users of the private road. It is also relevant that Ellesmere Road already accommodates residential properties, and the proposed development is compatible with the established pattern and intensity of use.

123. Concerns often raised in connection with development of this nature, such as increased noise, dust, or disruption to neighbours. However, given the small scale of the proposal (2No. dwellings), any increase in such impacts would be minimal and temporary during the construction phase. These do not constitute demonstrable planning harm and would not be sufficient to justify refusal of the application, particularly in the absence of any objection from the Highway Authority.

124. In light of the above assessment, it is concluded that the proposal provides adequate off-street car parking and satisfactory access arrangements in line with the Council's adopted parking standards and Development Management Plan Policies DM1, DM3, and DM30. There is no technical objection from the Highway Authority, and the proposal does not conflict with paragraph 116 of the Framework. The development would not result in a severe impact on the local road network, nor pose an unacceptable risk to highway safety. Accordingly, the proposal is considered acceptable in highways and transportation terms.

#### Drainage considerations

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

#### Flooding considerations

126. The application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the Framework.

#### Refuse and Waste Storage

127. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or



without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

## Trees

128. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

*“Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*

*Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.”*

129. As part of their submission the applicant has submitted an arboricultural report which has been produced by Andrew Day Arboricultural Consultancy and is dated 27<sup>th</sup> May 2025. The report reaches the following conclusions:

- The development proposal necessitates the removal of trees T1 to T6, all of which are categorised as low quality in accordance with BS5837:2012. These trees offer limited arboricultural merit and make no meaningful contribution to the wider public amenity. Additionally, a small section at the northern end of Group G2 will be removed to accommodate the new driveway. This part of the group is of low landscape value, and its removal will not adversely affect the visual amenity or tree cover of the site or its surroundings.
- The proposed layout has been designed to avoid direct conflict with the Root Protection Areas (RPAs) of all trees to be retained. This approach maximises tree retention and facilitates a harmonious integration between the development and the existing tree stock, minimising the risk of future pressures for removal due to proximity-related issues.

- A limited encroachment into the RPA of retained tree T6 is proposed, relating solely to a small section of patio surfacing. The extent of the incursion is well within the 20% threshold permitted under BS5837:2012 and is located within the outer portion of the RPA. A traditional shallow-based construction is considered acceptable in this instance, with no anticipated long-term impact on tree health. As a precautionary alternative, a 'No Dig' construction method is available and can be implemented should it be preferred by the local planning authority.
- Robust tree protection measures have been specified and include the use of fencing, ground protection, and restrictions on construction activities within or near RPAs. These measures will be confirmed during a pre-commencement meeting with the site manager and project arborist to ensure appropriate safeguards are in place from the outset.
- All works within RPAs, including minor ground level adjustments, will be carried out using hand tools under direct arboricultural supervision to ensure careful working practices and to minimise root disturbance. Ground protection will be maintained throughout the construction period until all heavy works are complete.
- In conclusion, the proposed development has been informed by a sound arboricultural assessment and incorporates appropriate safeguards to protect retained trees. Subject to the implementation of the recommended protection and mitigation measures, there is no reason to expect any significant adverse impact on the health, condition, or long-term viability of trees to be retained on site.
- In summary, by following the recommended protection measures, the development can proceed with minimal impact on the retained trees. Regular supervision will ensure the trees are adequately protected throughout construction, maintaining their health and longevity.
- Some details in the method statement provided are not known at the time of writing this report, such as locations of material storage, service runs, supervision dates etc. However, advice and measures to take to avoid impacting the trees are provided. Once these details have been confirmed, the method statement will be amended to include them, and ensure the trees are not detrimentally impacted.

130. The Council's Arboricultural Officer has been consulted regarding the proposed development and states that *"The applicant has supplied a tree impact assessment in accordance with BS 5837. The report provides a tree protection plan that suitably demonstrates how the retained trees will be protected during the build phase. I would suggest a condition is added to ensure the trees are protected as per the supplied tree protection plan and method statement"*.

131. The case officer agrees with the recommendation of the Arboriculturist and will condition aforementioned tree protection plan

etc., should planning permission be approved and as such the proposal complies with policy DM25.

#### On Site Ecology

132. Paragraph 180 of the Framework indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation is required to offset the identified harm. Policy DM 27 to the council's Local Development Framework Development Management Plan, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
133. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
134. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
135. To accompany their planning application the applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment which was produced by Matthew Game Consultancy and is dated 17<sup>th</sup> July 2025. The submitted report reaches the following conclusions and recommendations, which are summarized in the table below:

| Species                                  | Impact  |
|--|---|
| <b>Designated Sites</b>                  | <ul style="list-style-type: none"> <li>• Site not within statutory or non-statutory designated sites.</li> <li>• Lies within the Crouch &amp; Roach Estuaries SSSI risk zone, but proposed development type is not high risk.</li> <li>• No impacts anticipated due to distance; Natural England consultation advised.</li> <li>• Best practice measures (pollution/tree protection) required during construction.</li> </ul> |
| <b>Habitats &amp; Flora:</b>             | <ul style="list-style-type: none"> <li>• No notable habitats on-site; nearby deciduous woodland (80m away).</li> <li>• On-site habitats are common and low value.</li> <li>• No significant impacts expected; best practice measures to be applied.</li> </ul>  |
| <b>Amphibians (Great Crested Newts):</b> | <ul style="list-style-type: none"> <li>• Five ponds within 500m; site within amber risk zone with low-value terrestrial habitat.</li> <li>• No ponds lost, but pollution risks possible during construction.</li> <li>• Further surveys disproportionate; non-licensed mitigation strategy required.</li> <li>• Enhancement opportunities: wildlife pond creation, amphibian refugia/hibernacula, native planting.</li> </ul> |
| <b>Reptiles:</b>                         | <ul style="list-style-type: none"> <li>• On-site habitats low value.</li> <li>• Grassland loss insignificant but clearance could harm reptiles.</li> <li>• Precautionary clearance method required (timing, toolbox talk, staged clearance, ecologist call-in if reptiles found).</li> <li>• Enhancement: refugia/hibernacula, scrub planting, basking areas.</li> </ul>  |
| <b>Roosting Bats</b>                     | <ul style="list-style-type: none"> <li>• Buildings of low roosting potential to be demolished.</li> <li>• One emergence survey (May–Sept) required before planning consent.</li> </ul>  |

|                                       |   |
|---------------------------------------|---|
|                                       | <ul style="list-style-type: none"> <li>• If roost confirmed, two further surveys + EPSL licence application to Natural England needed.</li> </ul>   |
| <b>Foraging &amp; Commuting Bats:</b> | <ul style="list-style-type: none"> <li>• On-site habitat of low value; small losses insignificant.</li> <li>• Low-impact lighting strategy required (warm/neutral light, no UV, PIR sensors, downward-facing fixtures).</li> </ul>                          |
| <b>Badger:</b>                        | <ul style="list-style-type: none"> <li>• No suitable sett or significant habitat; no impacts anticipated.</li> </ul>  |
| <b>Hazel Dormouse:</b>                | <ul style="list-style-type: none"> <li>• No suitable habitat; no impacts anticipated.</li> </ul>  |
| <b>Otter &amp; Water Vole:</b>        | <ul style="list-style-type: none"> <li>• No suitable habitat; no impacts anticipated.</li> </ul>  |
| <b>Hedgehog:</b>                      | <ul style="list-style-type: none"> <li>• Adjacent habitats could support species; no impacts anticipated</li> </ul>   |
| <b>Birds:</b>                         | <ul style="list-style-type: none"> <li>• Likely to support common garden species.</li> <li>• No significant impacts anticipated.</li> <li>• Works outside breeding season (1 Mar–31 Aug) advised, or pre-works check by ecologist if unavoidable</li> </ul> |
| <b>Invertebrates:</b>                 | <ul style="list-style-type: none"> <li>• Habitats unlikely to support rare/notable assemblages.</li> <li>• No impacts anticipated.</li> </ul>   |

136. The case officer considered it prudent to consult with colleagues in Essex County Council Place Services Ecology and they state:

*“We note that the Preliminary Ecological Appraisal & Preliminary Roost Assessment (Matthew Game Consultancy, July 2025) has recorded some of the buildings as having low suitability for roosting bats, and therefore further surveys have been recommended. However, no results of these surveys have been submitted as part of this application together with details of any mitigation measures considered necessary.*

*To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”.*

*The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “It is essential that the presence or otherwise of protected species, and*

*the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

*This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to 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.*

*Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.*

*This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended)”.*

137. In conclusion, in the absence of the recommended bat surveys and details of any necessary mitigation, the Local Planning Authority (LPA) cannot be satisfied that the proposed development would not result in harm to legally protected species, notably bats, or that the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) can be met. Submission of these survey results, together with appropriate avoidance, mitigation or compensation measures where required, is essential prior to determination to ensure that all relevant material considerations have been addressed. Without this information, the LPA is unable to demonstrate compliance with its statutory duties, including its biodiversity duty under Section 40 of the NERC Act 2006 (as amended), and to provide certainty that the necessary European Protected Species Mitigation Licence from Natural England could be secured.

#### Off Site Ecology

138. The application site is within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (SPA and RAMSAR). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.



139. The development for 2No. dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice, the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance.

The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two 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

140. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

141. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in

this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. It is acknowledged that the required RAMs fee has been paid.

#### Biodiversity Net Gain (BNG)

142. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).

143. Colleagues in Essex County Council Place Services Ecology have stated in reply to consultation:

*"With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Small Sites Metric (July 2025). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:*

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

*We note that post-intervention values have been submitted. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:*

- We note that 75 trees have been proposed to be created, and these have been inputted as individual trees within the metric. As per the Small Sites Metric User guide, when recording habitats post-development, you should not count trees planted as part of hedgerow creation or enhancement.*
- 3 trees of medium size are proposed. The Small Sites Metric User guide states that you should 'record newly planted individual trees as 'small', unless 'medium' size or above at the time of site-planting',*

*therefore justification is needed on if the medium size class is appropriate.*

*In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Native hedgerow with trees.*

*The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved”.*

144. It is considered that the proposal will comply with the requirement has mandated within the BNG regulations subject to the imposition of appropriately worded planning condition/informative.

#### Equalities and Diversity Implications

145. 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.
146. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
147. 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

148. Refuse.

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

Ashingdon Parish Council: Unacceptable development on green belt land. Against developing green belt but feel this would enhance the look of the area. The area has been used for assorted storage for many years.

Essex County Council Place Services Ecology: We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination.

Essex County Council Highways Authority: The proposal includes the subdivision of the site and the existing vehicle access will be widened. Ellesmere Road is a private road. A minimum of two off-street parking spaces should be provided for each dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Arboricultural Officer: The applicant has supplied a tree impact assessment in accordance with BS 5837. The report provides a tree protection plan that suitably demonstrates how the retained trees will be protected during the build phase. I would suggest a condition is added to ensure the trees are protected as per the supplied tree protection plan and method statement.

Neighbour representations: No responses received.

### **Relevant Development Plan Policies:**

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

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV9, T3, T6.

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

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

The Essex Design Guide.

Natural England Standing Advice.

**RECOMMENDATION: REFUSE**

1. Insufficient ecological information has been submitted to enable the Local Planning Authority to properly assess the likely impacts of the proposed development on legally protected species, particularly bats, which are European Protected Species. The Preliminary Ecological Appraisal & Preliminary Roost Assessment (Matthew Game Consultancy, July 2025) identifies some of the buildings on site as having low suitability for roosting bats and recommends further surveys. However, no results of these surveys, nor details of any necessary avoidance, mitigation or compensation measures, have been provided.

In the absence of this information, the Local Planning Authority cannot be satisfied that the proposed development would not result in harm to protected species, or that the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) can be met. The proposal is therefore contrary to paragraph 99 of ODPM Circular 06/2005, Government Standing Advice on Protected Species, Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), and the biodiversity objectives of the National Planning Policy Framework.

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

|                 |   |
|-----------------|---|
| Application No: | 25/00518/FUL      Zoning: Employment Land                               |
| Case Officer:   | Mr Richard Kilbourne  |
| Parish:         | Rochford Parish Council   |
| Ward:           | Roche South   |
| Location:       | 9 Purdeys Way Rochford Essex  |
| Proposal:       | Alter and adapt carpark and grass verge to create additional park bays. |

## **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 (and the Parish Council prior), 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 to alter and adapt the carpark and grass verge to create additional parking bays.

## **RELEVANT PLANNING HISTORY**

5. Application No. 25/00470/FUL - Internal alterations to create additional separate office with alterations to elevations to provide new independent access – Not Yet Determined.
6. Application No. 16/00325/ADV - Install 5 no. fascia signs to advertise business 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).

### **Principle of Development**

15. Chapter 6 of the National Planning Policy Framework (NPPF), *Building a Strong, Competitive Economy*, emphasises the Government's commitment to ensuring the planning system supports sustainable economic growth. Paragraph 85 specifically states that "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*".
16. Policy ED1 of the Core Strategy (2011) states that the Council will encourage development that enables the economy to diversify and modernise, through the growth of existing businesses and the creation of new enterprises providing high-value employment, while considering environmental matters and residential amenity. Policy ED3 further supports the protection of existing employment sites from uses that would undermine their economic role. With regards to Purdeys Industrial Estate, it states: "*This is a fit-for-purpose industrial estate which is in a good condition. The site should be maintained and, if possible, expanded*".

17. Moreover, Policy DM32 (*Employment Land*) in the Council's Development Management Plan builds on these objectives. It states that employment development should primarily comprise B1 (Business) and/or B2 (General Industrial) uses. Proposals for alternative uses will be considered with regard to:
- The number of jobs likely to be provided;
  - The viability of retaining B1 and B2 uses;
  - Compatibility with existing uses;
  - Impact on the vitality and vibrancy of the District's town centres;
  - The proportion of alternative uses present; and
  - Wider sustainability factors, including transport options.
18. Employment development should be of high quality, incorporate safe and inclusive design, and ensure any associated infrastructure is appropriately phased. Potential noise and light pollution must be adequately mitigated.
19. While DM32 seeks to ensure B1 and B2 uses remain predominant - preventing alternative uses from becoming dominant - this broad policy objective is acknowledged. Site observations confirm that most premises in the immediate area fall within Class B1, B2, or B8 employment uses.

#### Design

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

23. This development proposes adapting and modifying the existing car park and associated grass verge. The Framework emphasises at Chapter 12 how good design is key to successful place making whilst the emphasis on landscaping as a key contributor to this endeavour is also emphasized.
24. The application site is located within a long-established industrial and commercial estate, characterised by warehouse units, service yards, hard standing, and operational infrastructure. The immediate and wider surroundings are wholly functional in character and accommodate employment uses exclusively, with no residential properties present.
25. The grass verge in this case runs as a narrow strip along the southern and south-eastern boundaries of the site, the case officer noted that there is currently no boundary treatment delineating the application site from the adjacent public footpath. Moreover, during the officer site inspection, the verge was found to be in a neglected and deteriorated state, with no evidence of maintenance, landscaping, public use, ecological interest, or connection to any wider green infrastructure network.
26. Its form, location, and presentation indicate that it is vestigial - likely a remnant from earlier phases of site use - rather than an integral part of a deliberate landscape-led design. In this context, it offers no meaningful functional, visual, or environmental value, and its partial removal would not undermine the character, rhythm, or symmetry of the surrounding built environment. The proposed plans, shown on drawing TPA-P1-ZZ-DR-A-1100 Revision P02, retain part of the verge but remove sections to allow for the reorganisation and expansion of parking provision.
27. At present, the site accommodates 11 parking spaces - seven at the frontage of the host building and four to the south. The proposal seeks to provide 23 additional spaces, creating a total of 34 (which will include two disabled parking bays). This would be achieved partly through the removal of several temporary shipping containers on the western side of the site, which currently contribute to a cluttered and inefficient layout. Their removal will allow for a more coherent parking arrangement and improved internal circulation, including a linear run of spaces, some in tandem formation. The majority of new spaces would be located along the southern and south-eastern periphery following the verge's removal, with two additional bays positioned near the building frontage.
28. The Essex Design Guide (2024), Table 4.1, recommends that for B2 and B8 uses, 20% of parking spaces should have active EV chargers, with an additional 30% provided with passive infrastructure. The existing site currently has 11 parking spaces with no EV provision. The

proposed development would increase the total to 34 spaces, including four active EV chargers and ducting for an additional four. This represents approximately 12% active and 12% passive provision, resulting in a combined total of 24% of spaces equipped for EV charging. While this falls short of the 50% target set out in the Guide, it is important to consider the context of an existing site rather than a new development.

29. The table below summarises the current and proposed parking and EV provision:

| <b>Description</b>            | <b>Existing</b> | <b>Proposed</b> | <b>Change</b> |
|-------------------------------|-----------------|-----------------|---------------|
| Total Parking Spaces          | 11              | 34              | +23           |
| Active EV Charging Points     | 0               | 4               | +4            |
| Passive EV Charging Provision | 0               | 4 (ducting)     | +4            |
| % Active EV Provision         | 0%              | 12%             | +12%          |
| % Passive EV Provision        | 0%              | 12%             | +12%          |
| % Combined Active/Passive EV  | 0%              | 24%             | +24%          |

30. It is important to note that the proposal does not involve any new B8 floor space or a change of use. The application relates solely to an increase in parking provision. From this perspective, the Essex Design Guide targets, which are primarily aimed at new developments, should be applied proportionately. The proposal represents a substantial improvement over the existing situation, with an increase of 23 parking spaces - more than tripling the current provision - which provides additional capacity and flexibility for EV charging in the future.

31. The inclusion of four active chargers and ducting for a further four demonstrates a clear commitment to supporting electric vehicles, even if the full recommended percentages are not achieved. This phased approach ensures that the site is partially future-proofed while remaining realistic in terms of current demand and available infrastructure. In the context of an existing industrial site, the enhancement of parking provision alongside the introduction of EV charging measures is a pragmatic response that balances the need for compliance with practical deliverability.

32. Overall, the proposed parking and EV charging provision is a marked improvement compared to the current situation. While it does not fully meet the percentage targets set out in the Essex Design Guide, it is considered acceptable given the context of an existing site, the significant increase in parking capacity, and the inclusion of both active and passive EV charging infrastructure.

33. The applicant has indicated that surface water will be managed via a sustainable drainage system, though no technical details have been submitted. Given the increase in impermeable surfacing, it is

considered appropriate to impose a planning condition requiring the submission and approval of detailed drainage proposals prior to the commencement of works.

34. The impact of the proposal has been assessed across relevant planning considerations. In visual terms, the partial loss of the grass verge will have no significant material effect on the street scene, as it is already of low prominence and surrounded by built form and hard standing. In amenity terms, there will be no loss of usable or accessible public space. The increased parking provision will address operational requirements and could help mitigate any risk of overspill parking in the wider estate. There will be no change to the primary site access or the wider movement network, and no negative impact is anticipated on traffic safety or pedestrian circulation.
35. Overall, the scheme represents a proportionate and pragmatic response to the site's operational needs, physical context, and relevant policy framework. The proposals will improve site organisation, maintain the established industrial character, and support the efficient functioning of the business without giving rise to adverse visual, environmental, or amenity impacts. In this case, the partial removal of the verge is justified, and the scheme aligns with the underlying principles of good design and efficient land use.

#### Impact on Residential Amenity

36. 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.
37. 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.
38. 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. As noted by the case officer, the local soundscape is already characterised by elevated ambient noise levels arising from the concentration of commercial operations within the estate, combined

with the high traffic volumes on surrounding roads. This existing context is a key material consideration in assessing the impact of the proposal.

39. The site occupies a discreet position in the centre of the industrial estate, away from sensitive receptors. The proposal involves modifying the existing car park and adjacent grass verge to provide additional parking bays. This is a low-intensity form of development, with no change in the site's principal use and no introduction of noise or activity beyond what is typical and expected in such an industrial setting.
40. Potential adverse effects - such as visual intrusion, loss of privacy, overshadowing, or over-dominance - are mitigated by the combination of (a) substantial separation distances from the nearest residential properties, (b) the intervening built form and infrastructure within the estate, and (c) the compatibility of the proposed works with the prevailing industrial character. The parking expansion is proportionate in scale and will integrate into the existing operational environment without materially altering its impact.
41. 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

42. Policy DM1 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
43. In accordance with paragraph 116 of the Framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
44. Given the nature of the proposal the case officer considered it prudent to consult with colleagues in Essex County Council Highways Authority who stated *"The proposal includes reorganisation of the parking layout and provision of additional spaces, all of which are clear of highway land. The Proposed Site and Proposed Car Park Plan refers to the latest Essex Parking Standards Document 2024, however, all of the proposed parking spaces are shown with substandard dimensions. There is adequate room within the site to provide all parking bays in*



*accordance with current standards. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”.*

45. As previously stated, the application proposes the reconfiguration of an existing car park. The Essex Parking Standards (2024) provide guidance on both the number of parking spaces required and minimum bay dimensions to ensure safe manoeuvring and accessibility. The submitted plans demonstrate compliance with the required number of spaces; however, the proposed bay dimensions (2.4m x 4.8m) fall below the current minimum standard. The applicant justifies this based on the constraints of the existing site, the operational history of the current layout, and precedents elsewhere on the estate.
46. While the proposal does not fully comply with the 2024 bay dimension standards, the rationale for the deviation is grounded in the nature of the site. As an established car park, full adherence to current bay dimensions would significantly reduce capacity, undermining the objective of maintaining adequate provision. The proposed layout aims to rationalise redundant storage areas, increase the number of usable bays, and enhance the overall visual and functional quality of the site. Evidence from the wider estate, where similar bay dimensions have been accepted without reported safety or operational issues, supports the argument that the proposed bays are functionally adequate.
47. From a highway safety perspective, the Highway Authority has raised no objection. This confirms that, despite non-compliance with current bay dimensions, the proposed layout does not present any significant operational or safety risks. While the Highway Authority does not control parking standards directly, their position carries considerable weight in assessing the practical acceptability of the proposals. The responsibility for determining the adequacy of bay dimensions rests with the LPA, but the absence of objection from the Highway Authority significantly mitigates concerns about non-compliance in terms of safety and usability.
48. Analytically, the proposal presents a balance of benefits and limitations. On the positive side, the rationalisation of the layout increases the number of usable spaces, removes redundant areas, and improves the appearance and efficiency of the car park. On the negative side, the proposed bays fall short of modern standards, which may limit maneuverability for larger vehicles and reduce future-proofing. However, the operational history of the existing layout, combined with the Highway Authority's support and evidence of similar arrangements elsewhere, demonstrates that these limitations are unlikely to result in material harm.
49. In the context of planning policy and site-specific constraints, the planning balance is considered acceptable. Strict adherence to current bay dimensions would reduce capacity, creating a potential

shortfall in the number of spaces, whereas the proposed layout maintains compliance in terms of quantum and delivers wider operational and aesthetic improvements.

50. In conclusion, although the proposal does not meet the Essex Parking Standards (2024) in terms of bay dimensions, it achieves an objective in terms of the number of spaces and provides tangible operational and visual benefits. The absence of objection from the Highway Authority, coupled with the pragmatic approach of rationalising an existing car park, supports the acceptability of the scheme. Subject to appropriate conditions, the shortfall in bay size does not warrant refusal, and the proposals are considered robust, practical, and acceptable in planning terms.

#### BNG

51. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
52. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.
53. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
54. Colleagues in Place Services Ecology have been consulted and they state *“With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted baseline habitat map (bga architects, May 2025), the Statutory Biodiversity Metric, and the BNG Statement (Plumb Associates, July 2025). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:*
- a) *The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
  - b) *Pre and post development habitat plans.*
  - c) *Legal agreement(s)*

- d) *Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) *Proof of purchase (if buying statutory biodiversity credits at a last resort).*

*We are generally satisfied that the post-intervention values are realistic and deliverable.*

*In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Urban trees*

*The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*We also recommend reasonable biodiversity enhancements should be provided for protected, Priority and threatened species, in order to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.*

*This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.*

*Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent”.*

On site

- 55. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development

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

56. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
57. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
58. No ecological appraisal has been submitted in support of the application. However, based on the characteristics of the site and its surroundings, it is considered that the proposal presents a negligible risk to protected species or habitats. The application site is located within the core of a well-established industrial/commercial estate, an environment subject to continuous high levels of vehicular and pedestrian activity. Such conditions are generally unfavourable for the presence of sensitive ecological receptors.
59. The specific area affected—a narrow, neglected grass verge—shows no evidence of ecological enhancement or management and is of limited biodiversity value. It is directly adjacent to an existing car park, subject to disturbance from both noise and movement, and constrained in size such that it offers no meaningful foraging, shelter, or breeding opportunities for wildlife.
60. Taking these factors into account, and in the absence of any local features of ecological significance within the immediate vicinity, it is concluded that the proposed development will not give rise to any adverse impacts on protected species or wider ecological interests. As

such, there is no requirement for further ecological assessment in this instance.

61. Moreover, colleagues in Essex County Council Place Services have been consulted and they stated *“No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including satellite photos) and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out.*

*We have taken this view because the satellite photos from September 2025 indicate that the site contains an existing commercial unit with associated hardstanding bordered by narrow strips of close-mown grass on the roadside edge. Therefore, it's unlikely that suitable habitat for protected/notable species will be present on site”.*

#### Equalities and Diversity Implications

62. 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.
63. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
64. 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**

65. Approve

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

Rochford Parish Council: No comments received

Essex County Council Highways Authority: The proposal includes reorganisation of the parking layout and provision of additional spaces, all of

which are clear of highway land. The Proposed Site and Proposed Car Park Plan refers to the latest Essex Parking Standards Document 2024, however, all of the proposed parking spaces are shown with substandard dimensions. There is adequate room within the site to provide all parking bays in accordance with current standards. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Environmental Health: No adverse comments in respect of this application.

Essex County Council Place Services Ecology: We have reviewed the information submitted relating to mandatory biodiversity net gains including the baseline habitat map (bga architects, May 2025), the Statutory Biodiversity Metric, and the BNG Statement (Plumb Associates, July 2025).

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

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

Neighbours: No comments 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 hereby approved shall be carried out in total accordance with the approved plans TPA-P1-ZZ-DR-A-1100 Revision P02 (Proposed Site Plan and Parking Layout) (as per date stated on plan 23<sup>rd</sup> May 2025) and TPA-P1-XX-DR-A-0001 Revision P02 (Location Plan and Block Plan) (as per date stated on plan 25<sup>th</sup> May 2025).

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

3. Notwithstanding the plans hereby approved no development shall commence until a detailed surface water drainage scheme based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first use of the additional parking spaces and shall thereafter be retained and maintained in perpetuity in accordance with the approved details.

REASON: To ensure appropriate surface water drainage in the interests of flood risk management and in accordance with Policy DM1 of the Local Plan.

4. Prior to the reconfiguration of the parking space, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

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

5. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
  - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
  - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
  - e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

6. Prior to the first use of the parking area as reconfigured four (4) active EV charging points (22kW) shall be installed and fully operational. Provision shall also be made prior to the first use of the reconfigured parking area for passive provision in the form of the installation of infrastructure including cabling and power supply capable of serving four (4) in number 22kW units, the details of which shall be submitted on a scaled layout plan for the council's written approval prior to installation.

REASON: To ensure that the development is future proofed and contributes towards reducing carbon emissions in compliance with the requirements set out by the Essex Planning Officers Association Parking Standards Part 1: Parking Standard Design and Good Practice (September 2024).

The local Ward Member(s) for the above application is/are Cllr Angelina Marriott Cllr M J Steptoe Cllr A L Williams