



**PLANNING APPLICATIONS WEEKLY LIST NO.1707**  
**Week Ending 12th April 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the next Development Committee meeting.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **17th April 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

Index of planning applications: -

- 1. 24/00138/REM - Land Rear Of 128 Rawreth Lane Rayleigh pages 2-20
- 2. 23/00257/OUT - Land Rear Of 3 To 5 Tudor Mews Eastwood  
Leigh-on-sea – pages 21 - 46

Application No :	24/00138/REM      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Land Rear Of 128 Rawreth Lane Rayleigh
Proposal :	Application for reserved matters approval relating to access, appearance, landscaping, layout, and scale pursuant to outline planning consent re 20/00592/OUT for two detached dwellings (ref: 20/00592/OUT).

## **SITE AND PROPOSAL**

1. The application site is located wholly within the district's Metropolitan Green Belt (MGB) as identified in the Council's Allocations plan 2014. The Metropolitan Green Belt (MGB) designation extends throughout Rochford District and joins Green Belt designated land contained within the neighbouring Basildon, Castle Point, Chelmsford, and Southend on Sea administrative districts, serving to contain the towns and villages as well as the growth of urban London. Most of the designated green belt in Rochford's administrative area remains undeveloped.
2. The Hooley Drive area is characterised by a mix of sporadic plot land comprising residential development with some vacant plots, stables and horse grazing land and other equestrian uses. Hooley Drive stretches some 600 m long and links to Parkhurst Drive. Both these roads are off Rawreth Lane.
3. Access onto the site is off Hooley Drive which is narrow, unmade private road (single track with passing places). The application site shares its boundary with five residential premises fronting Rawreth Lane. It is separated from these residential premises 124 to 132 by mature trees with heights in excess of some 4metres. Further North is a residential dwelling known as Kenwood which is separated from the site by a vacant plot. Across the site, are two dwellings, Ashwood with its frontage on Hooley Drive and a corner plot no. 122 Rawreth Lane.
4. The application site has an area measuring approximately 1100m<sup>2</sup>. There are no designated pedestrian walkways separating vehicle access and pedestrian and/or horses along Hooley Drive, however bridleway PROW 69 linking Rawreth Lane to a network of bridleways further afield the application site heading into Hullbridge runs directly past the site's access gates.

5. On 17th January 2023 the Inspector allowed the Appeal (APP/B1550/W/21/3275474) for Outline application for residential development comprising two detached dwellings. (All matters reserved).
6. The application was for outline planning permission with all matters reserved. The matters reserved would be determined via a reserved matters application at a later stage. The Outline Planning Permission (OPP) was subject to a number of planning conditions which are summarised below: -
  - Details of the reserved matters application to be applied for;
  - A reserved matters application should be submitted for within 3 years from the date of the Outline Planning Permission (OPP);
  - Details of development in accordance with the approved plans;
  - Removing Permitted Development (PD) Rights;
  - Prior to first occupation of the dwellinghouse hereby approved, a Residential Travel Information Pack;
  - No discharge of surface water from the site onto the highway;
  - A Construction Method Statement;
  - Scheme for the installation of Electric Vehicle charging points; and
  - Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority.
7. This application has been submitted to deal with all reserved matters following the OPP.
8. This reserved matters application seeks consent for details relating to access, appearance, landscaping, layout and scale. This is the second reserved matters application submitted as the initial reserved matters application reference 23/01003/REM was refused on 14<sup>th</sup> February 2024.
9. A reserved matters application is not an opportunity to re-examine the principle of development which has already been established by the granting of the outline planning permission. The Outline planning permission was supported by a number of parameter plans which set out the key design principles to be followed at a later stage although the allowed appeal decision does not by way of condition preset any parameters in terms of building height or floor area limits which the future reserved matters application is pre disposed to. This reserved matters application however has been prepared in accordance with these parameter plans.

## RELEVANT PLANNING HISTORY

10. Application No. 07/00232/LDC - Application for Certificate of Lawfulness for use of Land as Builders Yard Including Storage of Materials in a Caravan on the Site for That Purpose – Refused – 27<sup>th</sup> April 2007
11. Application No. 19/01124/FUL - Retrospective application for erection of poles and lighting – Withdrawn – 28<sup>th</sup> May 2020
12. Application No. 20/00592/OUT - Outline application for residential development comprising two detached dwellings. (All matters reserved) – Not Determined. The Applicant Appealed against Non-Determination Appeal Reference APP/B1550/W/21/3275474 which was subsequently Allowed on the 17<sup>th</sup> January 2023.
13. Application No. 23/00710/DOC - Discharge of Condition(s) 1 (access, appearance, landscaping) and Condition 8 (Construction method statement) and condition 9 (EV Charging points) of Planning Consent Ref. 20/00592/OUT – Withdrawn - 11.10.2023
14. Application No. 23/01002/DOC - Discharge of conditions no 8 ( Construction method statement ) and no 9 ( electric vehicle (EV) charging points ) of planning permission 20/00592/OUT allowed on appeal APP/B1550/W/21/3275474 dated 17/01/2023 – Approved – 2<sup>nd</sup> April 2024.
15. Application No. 23/01003/REM - Reserved matters application following grant of planning permission for two detached dwellings (Ref: 20/00592/OUT) considering access, appearance, landscaping, layout and scale – Refused – 14<sup>th</sup> February 2024. Reason for refusal:

*“The proposed development by virtue of its scale, bulk, height and depth would constitute a development which would be visually dominant and physically overbearing and which would fail to reflect the context, identity and character of the street scene in which the development would be located with significant detrimental impacts upon the character of the area. The proposal is considered therefore to be contrary to Policy CP1 of the Council’s Core Strategy and Policies DM1 and DM3 of the Council’s Development Management Plan and the provisions of the National Planning Policy Framework (The Framework) (December 2023) (Section 12 including paragraph 139) and the National Design Guide”.*

## MATERIAL PLANNING CONSIDERATIONS

16. 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.
17. 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).

### Background to the application

18. In relation to 20/00592/OUT this application was not determined within the prescribed time period; consequently, the applicant appealed against non-determination. During the course of the Appeal the Local Planning Authority (LPA) considered that the continued Lawful Class B8 use of the site, which was absent of any conditions and/or limitations would amount to inappropriate development within the Green Belt and as a result the development would have a detrimental impact on the openness of the Green Belt, would result in harm to the living conditions of neighbouring residents and to the character and appearance of the area.
19. It was accepted during the course of the Appeal that there was a reasonable prospect of the Class B8 use continuing and has a result there was a genuine fallback position. The LPA accepted that the continuation of the Class B8 use would be more harmful than the proposed development for two detached dwellings. The applicant argued that the fallback position of the continuation of the B8 use amounted to very special circumstances. The Inspector agreed and stated "*that very special circumstances exist which justify the development. The development therefore complies with the development plan taken as a whole, as well as paragraph 148 of the Framework*".
20. Consequently, the Appeal was allowed, and outline planning permission was granted with all matters reserved.
21. Following the grant of outline planning permission the applicant submitted a reserved matters application (23/01003/REM) which was subsequently refused approval of those matters reserved. It was considered that the proposed dwellinghouses due to sheer scale, bulk and mass would be visually dominant and physically overbearing and as such would have a detrimental impact on the intrinsic qualities of the

Green Belt. Following the issue of refusal of that original reserved matters application the applicant has submitted this current application which seeks to address the previous reason for refusal by:

- Reducing the ridge height of the proposed dwellinghouses by approximately 1.1m;
- Reducing the depth of the proposed dwellinghouses by approximately 2.3m; and
- Altering the design and fenestration of the proposed dwellinghouse (all of the aforementioned issues will be discussed further in this report).

#### Principle of Development

22. The outline planning permission (ref: 20/00592/OUT which was allowed on Appeal) established the acceptability of the principle of the development proposed. Therefore, the main issues which require consideration as part of the determination of this application are Reserved Matters relating to 'Appearance', 'Layout', 'Scale', 'Access' and 'Landscaping' of the development.

23. In the National Planning Practice Guidance, Paragraph: 006 Reference ID: 14-006-20140306 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, it clearly states that for Reserved Matters applications the following would have to be submitted in support of the application: -

- 'Access' —the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance' — the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' — the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' — the way in which buildings, routes and open spaces within the development are provided, situated and orientated in

relation to each other and to buildings and spaces outside the development.

- 'Scale' — the height, width and length of each building proposed within the development in relation to its surroundings.

#### Appearance, Scale and Layout

24. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The National Planning Policy Framework (herein after referred to as the Framework) advocates 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. It also states that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and that proposals should contribute positively to making places better for people (para 131).
25. The Framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and indicates that permission should be refused for development that is not well-designed (para 139).
26. 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 existing street patterns, density and character of locality. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m 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 1m between the outside face of the wall to habitable rooms and the plot boundary.
27. 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.

28. 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.
29. The surrounding area is characterised by a variety of housing types which includes bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey semidetached properties, some of which incorporate projecting gables, flat roof and/or pitched roof dormer windows. Furthermore, the roofscape is heterogenous with a mix of hips, gables and half hips. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs, which all add to the rich tapestry of the area.
30. The topography of the application site is undulating and there are currently several shipping/storage containers located on site, in addition to various types of building materials, spoil heaps and other detritus. Furthermore, the site comprised large areas of compacted hard standing and on the whole appears neglected.
31. According to plan reference 0323543-L05 Revision C (proposed site plan) the applicant is proposing to erect 2no. detached dwellinghouses. In reference to the submitted plans and supporting Design and Access Statement the site frontage of the proposed development measures approximately 15m (plot no.1) and 14.8m (plot no.2) in width and as such the proposal complies with the aforementioned policy. The front elevation of the proposed dwellinghouses will face Hooley Drive, which will create an active frontage. There will be a minimum distance of 10m separating the front elevations of the proposed dwellinghouses from Hooley Drive. The proposed dwellinghouses will be at 90° in relation to the properties on Rawreth Lane (the rear elevations of no's 124 to 130 Rawreth Lane will face the flank elevation of plot no.1). Located at the front of each of the properties will be an extensive area of hard standing, which will be used for parking. Whilst at the rear of each of the proposed properties will be a substantial garden, which will be enclosed by boundary a fence the details of which in terms of construction and height should have been shown on a detailed landscaping plan as part of the landscaping details (but which can be conditioned in the event of approval of reserved matters). The



properties will be slightly staggered with plot no.2 set slightly further back into its plot than plot no.1. Approximately 2.7m will separate the side elevation of plot no.1 from the flank elevation of plot no.2. Furthermore, the flank elevation of proposed dwellinghouse (plot no.1) will be approximately 3m off the common boundary shared with no's 124 to 130 Rawreth Lane. Whilst the flank elevation of plot no.2 will be situated 2.8m tapering down to 2.4m off the northern boundary which demarcates the application the site.

32. The proposed development would result in a pair of 2 storey detached dwellings, both of which would have a roughly rectilinear footprint. Each of the units will measure approximately 10.6m deep by 12.5m long (a reduction of approximately 2.3m from the previous scheme) (as measured at the widest points) and they will be roughly 4.9m high to the eaves and 7.5m high to the apex of the pitched roof (a reduction of 1.1m from the previous scheme). Projecting gables, Juliet style balconies and pitched roof dormer windows are utilised to break up the bulk and massing of the buildings. The proposed dwellinghouses will also incorporate a hipped roof design, which helps to alleviate the scale of the proposals. In addition, the proposed dwellinghouses will incorporate several pv solar panels. The applicant is also proposing to use various sized apertures on the elevations (some of which will be articulated with soldier courses) in order to help alleviate the scale and massing of the proposed development. Furthermore, the applicant is proposing to utilise a relatively simple palette of materials including facing brick, cladding under a concrete tile roof, which are in keeping with the local vernacular and as such will not appear out of place. The dwellings are also located in quite large plots and as such they will not appear overly cramped. It is demonstrated that the quantum of development can be accommodated within the site.
33. According to the submitted plans the ground floor (including the integral garage) will have a footprint of approximately 105m<sup>2</sup>. Whilst the first floor will have a floor area of roughly 105m<sup>2</sup> (cumulative floor area 210m<sup>2</sup>). The internal accommodation will comprise garage, store, w.c., hall, open plan kitchen/dining/kitchen. Whilst the first-floor accommodation will 4no. bedrooms (2no. will be ensuite), family bathroom, store and landing.
34. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellinghouses is quite modern and contemporary in nature. Furthermore, it is reasoned that the design of the proposed dwellinghouses is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to

be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwellings will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the Framework and policy DM1.

#### Impact on Residential Amenity

35. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, 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. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
36. Amenity is defined as a set of conditions that one ought reasonably to 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.
37. It has been accepted that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
38. According to the submitted plans plot no.1 is roughly perpendicular to the rear elevations of no's 124 to 130 Rawreth Lane, and a distance in excess of 22m separates the properties. It is considered given the relative position of plot no. 1 to these named properties that any potential negative impacts upon their amenity is mitigated. Furthermore, there are no properties located immediately to the rear of the plots. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to the surrounding properties neither would it have a significant overbearing impact.

39. It is noted on the flank elevation of plot no.1 there will be several apertures, which will include 2no. personnel doors at ground floor level and 1no. window at first floor level. According to the submitted plans the proposed personnel doors will serve a utility room and a garage. It is considered that the proposed boundary treatment will help to alleviate any negative externalities caused by these apertures. In relation to the first-floor window, this is a secondary window serving a bedroom and could be conditioned to be obscurely glazed, in the event of the approval of reserved matters.
40. According to the submitted layout plans, the proposed plots will be slightly staggered, with plot no.2 set further back into its plot in relationship with plot no.1. Both of the plots will be a minimum 1m off the common boundary separating the two plots. Furthermore, the case officer has assessed the proposed development meets the Council's 45-degree policy. The case officer observes that the proposed dwellinghouses will have various apertures in the flank elevations facing each other. According to the submitted plans these openings serve non-habitable rooms or are secondary windows. The remaining windows in the flank elevations could all be conditioned to be obscurely glazed, which will help to ameliorate any negative externalities.
41. The applicant is proposing to install Juliet style balconies on the rear elevations of the proposed plots, which will be accessed via the master bedroom and would be afforded a significant outlook. Residents of the properties will primarily overlook their rear private amenity space. It is noted that the rear footprint of plot 1 relative the rear garden boundary is approximately 13.44 m and plot 2 being 12.2 m this difference in distance being accounted for by the staggered positioning of both dwellings and the fact that the plot is not a perfectly square plot. Given the nature and design of the proposed balcony residents will not be able to sit on them. As previously stated, the proposed dwellinghouses are at a 90° angle in relationship to nos 124 to 132 Rawreth Lane and there is a distance in excess of 20m separating these properties from plot no.1. Overall, it is considered that the proposed balconies will not result in any demonstrable harm to residential amenity by way of overlooking which would need to be overbearing to trigger the harm required to refuse reserved matters approval on these grounds.
42. Overall, it is considered that the proposal would not give rise to any material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the siting and the separation distances that would be achieved. As such the proposal is compliant with policies DM1 and DM3 of the Council's Development Management Plan.

## Landscaping

43. As part of the Reserved Matters application for 'Landscaping', hard and soft landscaping details have been submitted for consideration. Drawing no. 0323543-L05 Revision C although not annotated as being a Landscaping Plan but rather a Proposed Site Plan does provide detail of soft and hard landscaping whilst in addition landscaping schedule (indicating plants, shrubs and trees to be planted) has been submitted to accompany the application. These details show that the site would be mainly laid to grass at the rear with the inclusion of some trees. Shrubs would be planted along the front, northern and southern flank boundaries. Shrubs would also be planted along the building's frontage. A 2m high timber fence would enclose the rear garden area of the properties and a similar fence would be erected on the northern aspect. This is considered acceptable for the future occupiers of the site. The driveway and parking areas to the front of the plots would be formed of free draining resin bound gravel which would also be acceptable. At the rear of the proposed dwellinghouses will be a small patio area and the adjoining paths will be constructed using Marshalls Fairstone Antique Alverno buff stone, which is also considered acceptable.

## Living Conditions for Future Occupiers

### Garden Sizes

44. Policy DM4 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 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.
45. The SPD2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m<sup>2</sup> minimum.
46. The layout submitted shows that the proposed dwellings could be provided with a rear private amenity space well in excess of 100m<sup>2</sup>. In regard to plot no. 1 the amount of private amenity space equates to roughly 200m<sup>2</sup>, whilst the private amenity space for plot no.2 is approximately 180m<sup>2</sup>. The proposed dwellings, therefore, more than satisfy the outdoor amenity space requirements set out in the SPD2.

## Technical Housing Standards

47. 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.
48. 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.
49. 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.
50. A 2-storey dwelling which would comprise four bedrooms accommodating either five or six people would require a minimum Gross Internal Floor Area (GIA) of 97m<sup>2</sup> or 106m<sup>2</sup>, respectively. Additionally, each 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 2.55 m. 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 plots 210m<sup>2</sup>. It is considered in terms of overall GIA the proposal complies with the specified technical standards.
51. The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot No.1		Plot No.2	
Bedroom No.1 (Master)	30m <sup>2</sup>	Bedroom No.1 (Master)	30m <sup>2</sup>
Bedroom No.2	14m <sup>2</sup>	Bedroom No.2	14m <sup>2</sup>
Bedroom	8.5m <sup>2</sup>	Bedroom No.3	8.5m <sup>2</sup>

No.3			
Bedroom No.4	27m <sup>2</sup>	Bedroom No.4	27m <sup>2</sup>

52. According to the submitted plans all the bedrooms for all the units comply with aforementioned policies and exceed the internal floor area. Furthermore, it was noted that both of the plots exceeded storage space minimum requirements.
53. 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.
54. 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.

#### Drainage

55. 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. Although it is appreciated that the type of surfacing used in the landscaping proposals influences water runoff it is not within the scope of this reserved matters to consider drainage as the application can only determine the acceptability of those matters reserved. Condition 7 of the allowed outline planning permission allowed on appeal deals in as much as what it needs to with surface water drainage in that it states 'There shall be no discharge of surface water from the site onto the highway at any time'. This matter cannot be considered further beyond the scope of consideration which took place at outline planning stage.

## Refuse and Waste Storage

56. 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 20 m (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.

## Impact on Highway Safety

57. Access was also reserved for future reserved matters approval. Policies DM1 and DM3 of the 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.
58. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
59. In accordance with paragraph 111 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.
60. The proposed layout plan (Plan Reference 0323543-L05 Revision A) shows a vehicular access/egress arrangement onto Hooley Drive. Furthermore, the layout plans show that a minimum of two car parking spaces can be accommodated at the front of the proposed dwellinghouses. Colleagues in Essex County Council Highways Department have been consulted on the current application and state *"The proposal is located in Hooley Drive which is a private road that is*

*shared with a Public Right of Way bridleway. Each dwelling will utilise the principle of the existing accesses, should any alterations be required the applicant should seek permission from the landowner. A minimum of two off-street parking spaces are included for each dwelling. The associated application ref 23/1002/DOC included a Construction Method Statement that the Highway Authority have previously commented on, therefore the basis of the mitigation measures agreed in support of that associated approval must be transferred to this application”.*

61. The Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to each dwelling cycle parking provision, residential travel information pack, PROW to be maintained free and unobstructed at all times and standard informatives, which will all be secured by the imposition of appropriately worded planning conditions, in the event that planning permission is approved.
62. It is considered that there is sufficient car parking arrangements and appropriate access to serve the proposed dwellings. In conclusion, the proposal is acceptable and would not have an adverse impact upon highway safety or the adjacent PROW. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

#### Ecology and Trees

63. Policy DM25 of the of the Development Management Plan 2014 states that:

‘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.’



64. During the case officers site visit he observed that there were no trees located within the actual site. However, there were several trees located around the periphery of the boundary, these are not subject to Tree Preservation Order and are not of significant amenity value. Whilst the loss of these trees is regrettable, their replacement with those shown the submitted landscaping plan is acceptable.
65. Given the nature and use of the site it is considered unlikely that the proposal would have an adverse impact on any other protected species, in any case this is a matter that has already been dealt with at the outline stage.

#### Other Matters

66. An objector is concerned that the proposed development if allowed may have a detrimental impact on a newly erected fence which delineates the boundary with the adjacent application site. However, if any damage is caused to the fence during the construction of the proposed dwellinghouses or by any subsequent landscape treatment, this is a private matter and is not a sufficient justification to warrant a refusal. A further objection is received citing concern regarding the proximity of the dwelling at plot 1 to the objectors boundary. However all matters relating to impacts of the development on residential amenity is covered within the relevant section of this report.
67. As part of the discharge of conditions pertaining to application no. 23/01002/DOC the applicant has discharged the Construction Method statement. The case officer does not think it is reasonable or proportionate to attach a similar condition (which would invariably be just a duplication) and the applicant is fully aware that they must adhere to requirements of this statement.

## **CONCLUSION**

68. Approve subject to conditions

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

Rawreth Parish Council: No comments received

Essex County Council Highways: No objection subject to conditions relating to cycle parking, residential travel information pack, the PROW to be maintained free and unobstructed at all times and standard informatives.

Officer Note: The appeal decision at condition 6 covers the Travel Pack information matter in that it stipulates:

*‘Prior to first occupation of the dwellinghouse hereby approved, a Residential Travel Information Pack for sustainable transport which includes six one day travel vouchers, as well as a timetable for its implementation, shall be submitted to and approved by the Local Planning Authority. Thereafter, the Travel Information Pack shall be implemented in accordance with the agreed details’.*

Neighbours: 2 responses from the following addresses;

Rawreth Lane: 128 and 132

- We have just recently undertaken installing a new fence. We are concerned that any new trees planted may have a detrimental impact on the newly erected fence and potentially on the foundations of our property.
- There is a window in the south west elevation of plot no.1 serving a bedroom which will directly over look our back garden and into our bedrooms. There are no trees screening and this leaves us with zero privacy

**Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, GB2, T8, ENV9, T3, T6, ENV11

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

**RECOMMENDATION: APPROVE**

Conditions:

1. The approval of details relates to development for which outline permission 20/00592/OUT dated 17<sup>th</sup> January 2023 was granted. The development shall be carried out in strict accordance with the conditions set out in the relevant outline planning permission and those conditions set out below.

REASON: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

2. The development hereby approved shall be carried out in total accordance with the approved plans as follows:

0323543-L05 Revision C Site Plan (as per date stated on plan August 2023), 0323543-L06 Revision B Location Plan (as per date stated on plan August 2023), 0323543-L01 Revision C Proposed Floor Plans (as per date stated on plan August 2023), 0323543-L02 Revision B Proposed Elevations (as per date stated on plan August 2023), 0323543-L04 Revision B Proposed Elevations (as per date stated on plan August 2023) and 0323543-L07 (as per date stated on plan February 2024).

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

3. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building/structure is acceptable.

4. The landscaping scheme (including all hard and soft landscaping works) as shown on drawing 0323543-L05 Revision C (as per date stated on plan August 2023) and the accompanying landscaping schedule received by the Local Planning Authority on 26<sup>th</sup> February 2024 shall be carried out within 12 months of the date of grant of reserved matters approval (all hard landscaping works) and all soft landscaping works carried out in the first planting and seeding season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

REASON: To ensure appropriate landscaping of the site in accordance with Policy DM1.

5. The public's rights and ease of passage over public bridleway no. 69 (Rochford) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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

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

7. The proposed first floor windows in the flank elevations of plots no.1 and no.2 shall on first occupation be glazed in obscure glass and to a window design not capable of being opened below a height of 1.7m above finished floor level. The windows shall be retained as such thereafter over the lifetime of the use and occupation.

REASON: In the interests of safeguarding privacy between adjoining occupiers in compliance with policy DM1 of the council's Development Management Plan and the council's Supplementary Planning Document (SPD) 2.

8. Notwithstanding the requirements of condition 4 and the details of plan reference 0323543-L05 Revision C the car parking spaces to serve the development including plots 1 and plots 2 shall be fully constructed such as to be capable of use on first occupation of the development approved by this reserved matters approval.

REASON: To ensure the timely and adequate provision of car parking space to serve the development in compliance with planning policy DM30 of the council's Development Management Plan.

The local Ward Member(s) for the above application is/are Cllr J Newport Cllr C Stanley Cllr J E Cripps

Application No :	23/00257/OUT      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Land Rear Of 3 To 5 Tudor Mews Eastwood
Proposal :	Outline planning permission for the erection of 3 dwellings with all matters reserved

## **SITE AND PROPOSAL**

1. The application site is located adjacent to a private section of Bosworth Road. According to the Councils GIS database this section of Bosworth Road is shared with a Public Right of Way (PRoW) – footpath no.14 (Rochford). Situated in the north west corner of the application site is a simple utilitarian detached stable block which is constructed out of timber. Additionally, there is a portacabin, which is in a dilapidated condition. Other than these outbuildings the remainder of the site is devoid of any structures and the rest is used as a paddock. The application site measures approximately 1715m<sup>2</sup> and is irregular in shape, whilst topographically is relatively flat. The boundary treatment delineating the site frontage comprises a trimmed thorn hedge approx. 1.8m high which also contains a 1m high chain link fence. The rear boundary treatment comprises 3m high (approx.) mature hedgerow, which varies in thickness. To the west and south of the application site are residential properties. The site is located entirely within the Metropolitan Green Belt.
2. The proposal is for outline planning permission with all matters reserved leaving only the principle of the development to be considered. Matters relating to access, scale, layout, appearance and landscaping are therefore reserved for consideration at a later date, in a Reserved Matters application which will be necessary to build the development if outline planning permission were granted.
3. The proposal seeks to subdivide the site, demolishing the existing stable block and portacabin which are currently located on the application site and creating three residential plots.

## **RELEVANT PLANNING HISTORY**

4. Application No. T/ROC/138/65 – Outline application for residential development. Permission refused 15<sup>th</sup> June 1965. (Tudor Mews site only).

5. Application No. ROC/856/72 – Outline supplication for residential development on 2.35 acres of land north of Tudor Close. Permission refused 5<sup>th</sup> December 1972. Appeal dismissed.
6. Application No. 94/00506/LDC - To Establish Lawfulness of Use of Land for Storage, Distribution and Retail of Timber, Building Materials, Kitchen Units, Windows and Doors Manufactured on-site, Storage of Boats and Caravans, Office. Certificate granted 8<sup>th</sup> September 1994. (Relates to the site of what is now Tudor Mews).
7. Application No. OL/0660/97/ROC - Outline Application to Erect 5 Detached Bungalows and Garages With Single Private Drive Access Permission refused 12<sup>th</sup> March 1998. Appeal allowed 9<sup>th</sup> October 1999. (Officers note: This application also relates to the site of Tudor Mews. In allowing the appeal the inspector considered the extent of site (calculated at some 70% - 80%) site coverage in lawful use for storage as per the LDC above and with no height restriction, lead to the conclusion that the site was developed and offered little contribution to the Green Belt and that this amounted to a very special circumstance to be given substantial weight. The approved development would provide 64% site coverage improving Green Belt openness).
8. Application No. 99/00632/REM - Reserved Matters Application to Erect Five Detached Four Bed Bungalows with Integral Garages. Approved 4<sup>th</sup> January 2000.(Relates to the site of Tudor Mews).

## **MATERIAL PLANNING CONSIDERATIONS**

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

### **Green Belt**

11. The latest version of the National Planning Policy Framework ('the Framework') was revised in December 2023. 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.

12. 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.
13. Both policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritize 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.
14. 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.
15. As previously stated, the application site is located wholly within the Metropolitan Green Belt. 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. Paragraph 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.

16. Paragraph's 152 and 153 go on to explain 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.

17. 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, whether redundant or in continuing use (excluding temporary buildings), which would:
  - Not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified



affordable housing need within the area of the local planning authority.

18. 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 (g), paragraph 154 of the framework.
19. Paragraph 155 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.
20. 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 applicant must therefore 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.
21. These very special circumstances are dealt with in detail in the applicants Planning Statement and include the following:
  - It has been inferred that there have been numerous precedents established in the locality;
  - The site is in a sustainable location;
  - The site adds no benefit to the Green Belt due to the surrounding built environment;
  - The site can be delivered immediately;

- The site is PDL and development on brownfield land should be encouraged; and
- The Council do not have five year housing supply.
- The application site is located within the Green Belt but does not make any significant contribution to it; and
- The creation of new jobs associated with the construction process.

#### Assessment Against Exception (g)

22. Both the applicants agent and the case officer agree that the only relevant exception of para 154 of the Framework to assess the proposal against is exception (g). The exception under part (g) allows for the partial or complete redevelopment of PDL where either the development would not have a greater impact on the openness of the Green Belt or where the development would not cause substantial harm and would contribute towards an identified affordable housing need.

23. PDL is defined in the appendix to the Framework as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

24. As previously stated, and according to the submitted plans and the case officers site visit, there is a small single storey detached stable block constructed out of timber which measures 5m wide by 9m long and is 3m high (approx.). This building is located in the north west corner of the application site. Furthermore, the case officer noted that there was a detached portacabin to the north of the stable block within the application site. This portacabin was in a dilapidated condition. Other than these outbuildings the remainder of the site is devoid of any structures. The application site measures approximately 1715m<sup>2</sup> and is irregular in shape. The case officer observed that the site was topographically relatively flat. The boundary treatment delineating the site frontage comprised a trimmed thorn hedge approx. 1.8m high which also contained a 1m high chain link fence. Whilst the rear boundary treatment comprises 3m high (approx.) mature hedgerow, which varied in thickness. According to the applicants Design and Access Statement and from what the case officer observed the

remainder of the land is used as a paddock. The entire site is washed over by the Metropolitan Green Belt policy allocation.

25. As previously stated, the application is outline in form with all matters reserved. According to the submitted plans and supporting statement the applicant proposes the demolition/removal of the existing structures on site and the erection of three detached dwellings. The applicant has submitted an indicative site plan which shows the proposed properties will be arranged in a linear format with the proposal fronting the access road serving Edwards Hall Park. These proposed properties will be serviced by an existing access arrangements.
26. The paddock and associated stable block form the entirety of the site (apart from the portacabin), it is a long-established principle (Sykes v Secretary of State for the Environment (1981)) that the keeping of horses for recreational use does not fall within the definition of agriculture. It is considered given the nature and scale of the paddock that additional supplementary feed would have been required and as such the paddock would require planning permission. As a change of use would have been required for the paddock this falls within the definition of PDL. However, according to the Councils planning database no change of use application has been submitted. Therefore, in order to regularize the use either a change of use application needs to be submitted or a Lawful Development Certificate. Nevertheless, for the purpose of this application the proposal will be considered against policies relating to PDL in the Green Belt. The application will be assessed on its own merits and will assess the impact of the new detached dwellings.
27. In the justification for the proposal as part of the applicants Design and Access Statement, the agent infers that the proposal will not have any adverse impact on the openness of the Green Belt either visually or spatially as the proposal will be well screened from Bosworth Road and the surrounding area and due to their construction will have a negligible impact on the environment. Furthermore, it is stressed that the application site adds limited benefit to the Green Belt and given the existing built form in the locality the proposal will help to coalesce the built development.
28. Nevertheless, exception g) should be read as a whole and goes onto to state that for development to be acceptable, the development must achieve the following:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land

and contribute to meeting an identified affordable housing need within the area of the local planning authority.

29. Paragraph 142 of the Framework states *“The Government attaches great importance to Green Belts. 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”*. It is patently obvious from the above paragraph that the Government considers the openness of the Green Belt is one of the fundamental characteristics. Whilst the Framework does not clearly define openness it is generally accepted from paragraph 142 that openness is a spatial designation, which can also have a visual component as attested to by various Court cases (see below).
30. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
31. The applicant’s agent argues that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposal (as shown on the submitted indicative plans) would not cause demonstrable harm to the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: “The concept of “openness of the Green Belt” is not narrowly limited [...]The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”. The Supreme Court ruled authoritatively on the meaning and application of the concept of “openness” within the Green Belt, in *R (Samuel Smith Old Brewery) v North Yorkshire County Council* [2020] UKSC 3. The case law confirms that:

- The visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected.
- Rather, openness is the counterpart of urban sprawl, linked to the purposes of the Green Belt, and not necessarily a statement about the about the visual qualities of the land. Applying this broad policy concept is a matter of planning judgment, not law.
- Nor does openness imply freedom from any form of development.
- The concept of openness means the state of being free from buildings. It is open textured and a number of factors are capable of being relevant.

32. In conclusion, the aforementioned cases were all related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. Therefore, to fully appreciate the impact of the proposal on the Green Belt it is important to address other factors, which (not limited to) includes footprint, built volume, height etc.

33. At reserved matters stage it would be necessary to further compare the respective impacts on openness of the existing and proposed development at the site; at this stage detailed elevation and floor plans of the existing buildings would be compared against elevation and floor plans of the proposed dwellings.

34. Nevertheless, according to the submitted plans the applicant is proposing to demolish the existing single storey detached stable block, which is relatively simple and diminutive in nature and has a footprint of approximately 56.7m<sup>2</sup>. Additionally, the existing portacabin will be removed, which appears to be in a very poor state of repair when the case officer conducted his site visit. As previously attested too, the applicant is then proposing to erect three detached dwellinghouses. Whilst it is noted that the application is seeking outline planning permission with all matters reserved, the applicant has submitted an indicative plan which shows that the footprint of proposed dwellinghouses ranges between some 68m<sup>2</sup> to 86m<sup>2</sup> (approx.). Even at this outline stage, it is patently obvious that the proposal would result in the repositioning of the built form into an area of land that is predominately free from development.

35. The case officer considers that the three dwellings as proposed, in principle, could not be designed so as not have a greater impact on the openness of the Green Belt than the existing development at the site which consists of modest built form in the existing the stable block and a dilapidated portacabin. Consequently, it is considered that the proposal would result in the provision of built form into an area of land

that is predominately free from development. Though in a piecemeal incremental way, the proposed development would nevertheless sprawl built form onto the site and is therefore considered to have a greater impact on the openness of the Green Belt and result in encroachment into the open countryside.

36. Overall, in the opinion of the case officer the proposal would erode the openness of the Green Belt both in spatial and visual terms with the development having a greater impact on the openness of the Green Belt and so would not benefit from exception g) of the Framework. Consequently, the proposed development would therefore fail to comply with relevant policies in the Local Development Management Plan, Core Strategy and Policy 154 of the framework.

#### Sustainability

37. The Council's Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.
38. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:
- (i) is well related to a defined residential settlement;
  - (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.
39. The site lies immediately adjacent to the boundary with the Eastwood residential area. The case officer noted that there are residential properties located to the rear of the application, which form Tudor Close a similar development to that proposed. In addition, there are other residential properties located to the south of the application site. Whilst to the north is Edwards Hall Park. 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.

40. According to the submitted plans the proposal will be situated approximately 300m away from Edwards Hall Primary School. Furthermore, the site is located some 550m north of Rayleigh Road where there is a cluster of retail units, restaurants/takeaways, a public house and petrol station. It is considered that the proposal satisfies the relevant criteria.
41. The site is at the northern end of Bosworth Road. At the southern end, this road connects with the A1015 Rayleigh Road and therefore has good connections with the strategic road network. There is a bus stop within walking distances of the site where a service operates linking Rayleigh, and places beyond, within the Southend district. The site is located within the South Essex Coastal Towns landscape character area. The impact of the proposed development on the nearest designated site of international and European conservation importance is discussed in more detail in the ecology section of this report but it is concluded that the proposal would not, given the mitigation proposed, have an adverse impact in this regard. The impact of the proposal on protected species is discussed in detail under the relevant related section later on in this report. There are no heritage assets close to the site.
42. It is considered that the site would satisfy the criteria bullet-pointed above with regard to Policy DM10. Notwithstanding the acceptability of the proposal in relation to the provisions of Policy DM10, this would not outweigh the harm identified to the Green Belt.

#### Other Matters

43. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly; however, it is considered given the constraints of the site within a Green Belt location the proposal will have a significant detrimental impact on the locality and the harm which will be caused doesn't justify approving the proposal and as such the amount of weight given to this factor is limited.
44. The applicant stresses that the Council does not have a five-year housing supply, and this is a significant material consideration, which should be taken into account whilst determining the application. However, it is the Council's position that in terms of housing need, the Council has an up to date 5-year housing land supply; however, additional windfall sites such as this would add to housing provision in

the district. The Council's current Annual Monitoring Report demonstrates a 5.15 years supply.

45. The agent has inferred that an important material consideration is the creation of new jobs associated with the construction process. Whilst it is acknowledged that there would be an economic benefit arising during both the construction and occupation stages from the additional spending and the employment this would support. Additional dwellings could also support use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development and the likely temporary nature of the construction period.
46. Furthermore, numerous environmental benefits can be attributed to the development, which include environmental and biodiversity factors, and the use of renewable technology etc. Whilst these are material considerations, they are not considered sufficient justification to outweigh the harm created by the proposed development.

#### Planning Balance

47. Whilst it is accepted that the proposal broadly complies with list of criteria advocated within policy DM10. Nevertheless, it is considered that the construction of new residential development on this site would not fall within any of the exception categories set out in paragraph 154 of the Framework. It is considered that the application site forms an important and integral component of the Green Belt, and its loss would be immensurable. Consequently, the proposal would be regarded as wholly inappropriate development that would by definition be harmful to the Green Belt and if allowed would lead to a significant loss of openness of the Green Belt.
48. Inappropriate development should not be approved except in very special circumstances that clearly outweigh the harm to the Green Belt and any other harm. No very special circumstances have been presented to advance any factors that would be sufficient individually or cumulatively to outweigh the harm to the green belt by definition and in its impact on openness and the character and appearance of the site. The very special circumstances necessary to justify the development do not exist. It is considered that the proposal given the factors cited above will conflict with the purpose of the designation of the Green Belt and the principle of development is therefore, objected to.



## Design and Impact on the Character of the Area

### Layout, Scale and Appearance

49. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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 (para 131).
50. The Framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
51. The site layout plan submitted as part of this application is entirely indicative in nature. The redevelopment of a site, especially where it forms a significant part of local character and where the development and subdivision of plots would disrupt the grain of development will be considered unacceptable. Based on the submitted indicative plans the applicant is proposing to erect three detached properties, which will be arranged in a linear arrangement with the front elevation facing Bosworth Road. It would appear from the indicative plans that three dwellings could be accommodated whilst maintaining the required 1m separation between all habitable rooms and boundaries. The proposed dwellings would be to appropriate plot widths and would conform with the urban grain of the area. The development would also comfortably accommodate the necessary parking requirements, garden spaces and refuse storage. Notwithstanding the acceptability of the proposed layout, this would not outweigh the harm identified to the Green Belt.

### Impact on Residential Amenity

52. Paragraph 135 (f) of the Framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual

amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.

53. As layout, scale and appearance are not matters for determination at this outline stage, a full assessment of the proposed dwellings impact and acceptability in terms of impact on the residential amenity of existing nearby dwellings cannot be made now; this would be considered in a later reserved matters application, if outline consent is granted. Nevertheless, the illustrative site layout shows a possible siting of three proposed dwellinghouses. If single storey dwellings were proposed in this position, it is considered that this would have a less significant impact upon occupiers to existing nearby dwellings in terms of overshadowing and overlooking as sufficient separation to nearby dwellings would be achieved and windows would be limited to ground floor only.
54. If the dwellings were to be sited in the positions proposed, given the positioning of the neighbouring dwellings, it is considered that there is a reasonable prospect that the development would be able to occur in a manner that would not cause significant harm to the amenities of neighbouring residents, subject to suitable attention being made to this matter as the proposal evolves for consideration of detailed design at the reserved matters stage.
55. It is therefore considered that, subject to consideration given to the scale and design of the proposed dwellings and the positioning of windows, there may be some potential for the site.

#### Highways considerations

56. Policies DM1 and DM3 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.
57. The County Council's Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.

58. In accordance with paragraph 115 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.
59. As stated previously, this is an outline planning application with all matters reserved. Nevertheless, colleagues in Essex County Council Highway Authority have been consulted regarding the application and state *“The proposal includes creation of a shared access on a private section of Bosworth Road. The private road is shared with a Public Right of Way footpath and to reduce the potential for conflict between vehicles and users of the footpath, the definitive right of way shall be subject to a minor diversion from the west to the eastern side of Bosworth Road. This outline application includes provision of three dwellings with a shared access. The applicant should seek permission from the landowner for the installation of the crossover and closure of the existing access. Adequate room is available for off-street parking and turning”*.
60. The Highways Engineers have outlined that they have no objection to the application subject to the imposition of conditions relating to adherence to the construction management plan, an order securing the diversion of existing definitive right of way footpath No.14 (Rochford), no unbound materials, cycle parking, residents travel information pack and standard informatives.
61. In light of the above, Essex County Council Highways have raised no objection to the proposed development. There is no reason for the Local Planning Authority to take an alternative view. Consequently, it is considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the Framework and as such, there is insufficient justification to warrant a refusal on parking or access grounds.

#### Public Rights of Way

62. According to the submitted plans the application site is located immediately to the north of an access road which is shared with footpath No.14 (Rochford). According to the case officers site visit there is a mature native hedgerow which separates the application site from this PRoW. Colleagues in PRoW have been consulted and state *“In assessing this proposal it is our view that the best option to mitigate the impact on the PROW (Footpath 14 Rochford) from this proposal would be for the applicants to apply to divert the footpath to the western side of the access drive (see red line below). This would provide clear separation for walkers and the proposed development’s vehicle access*

*and thus avoid any conflict/safety issues between walkers and drivers. It is an option which appears deliverable by the applicants to judge by the blue landownership outline provided by the applicants. We would expect approval to be conditioned on the prior successful diversion of the PROW. If the diversion was successful, it would remove the need for the applicants to accommodate the section of footpath that lies within their site".* In light of the abovementioned comments from colleagues in PRow a condition will be attached to the decision securing the diversion of the existing definitive right of way, footpath No. 14 (Rochford) to a route to be agreed with the Local Planning Authority. The new route shall be constructed to suitable standards.

#### Landscape

63. Policy DM25 of the Council's 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."*

64. The district Councils Arboricultural Officer has been consulted regarding the proposed and raises no objection. The Councils Arboricultural Officer goes on to state that *"As part of the reserved matters the council will require details of how the multi stem Ash tree (rear boundary) and hedgerow to the front will be retained and protected during the construction phase. The applicant will need to supply an arboricultural method statement and tree protection plan in accordance with BS 5837"*. Given the comments received, there is insufficient justification to warrant a refusal.

#### Flooding considerations

65. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where

development should be directed. As such the development is compatible with the advice advocated within the Framework.

#### Drainage

66. 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, in the event that planning permission is approved, 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.

#### On Site Ecology

67. Policy DM27 of the Council's Development Management Plan states that proposals should not cause harm to priority species and habitats. There is the potential for protected species to be present on the site due to overgrown hedges and surrounding scrubland and the adjoining woodland. Such habitat could support protected species such as bats, breeding birds, badgers, dormice, invertebrates and reptiles.
68. As there is suitable habitat on the site to support protected species, a phase 1 ecological survey of the site would be required as a minimum to establish the presence or absence of protected species and to ensure that appropriate mitigation could be secured if necessary to ensure that no harm would be caused to protected species as a result of the development.
69. To accompany the application the applicant has submitted a Habitat Survey produced by Dr C. Hathaway and is dated July 2023. The report concludes that *"The features of particular ecological interest on the wider land are the mature trees to the northeastern and western boundaries as these cannot readily be replaced. The introduced shrub also provides potential nesting for birds. The wider extent of land offers minor potential habitat for reptiles although this is unlikely due to the regular cropping of the land. No evidence of any reptiles was apparent.*

*In terms of the application site itself, the existing modern stable block offers no habitat for any protected species. The size, configuration and*

*materials used in the construction of this building, as well as its use for the stabling of horses with regular mucking out etc., offers an unsuitable environment for bats or barn owls. No evidence of any protected species, or past use such as droppings, urine staining or scratchings were evident. The land itself is heavily used by horses for constant grazing. As a result, this land would not sustain any use by any protected species.*

*With the exception of a minor pond located almost 300m from the site with an intervening road and extensive hedgerow, there is no other body of water within 500m”.*

70. Following the receipt of the habitat survey the case officer considered it prudent to consult the Essex County Council Place Services Ecologist. The Councils Ecologist was not satisfied that there was sufficient ecological information available for determination of the application. In particular, the ecologist considered insufficient information had been provided to scope out likely impacts on European Protected Species (bats) and concerns were raised regarding the professional competency of the author of the habitat survey.

71. Therefore, in order ascertain the suitability of the building as a roost for bats the Councils ecologist recommended that photographs of the building be provided, as well as further clarification on the buildings lack of suitability for roosting bats such as Brown Long-eared bats. Consequently, the agent submitted a further photograph of the stable block in an attempt to show that the building was not a viable roost. However, the agent has not provided any further information regarding the professional competency of the author of the report.

72. Having reviewed the submitted photographic evidence the Councils Ecologist has stated *“I am not satisfied that the photograph provided provides me with sufficient evidence to rule out roosting bats. I acknowledge that the roof contains a 25mm batten frame with a single skin felt roof affixed over the top, which does appear to be in good condition, without lifted areas where bats could roost. In addition, if the weatherboarding is single boarding with no cavities, then I agree this will not be suitable for roosting bats. However, there does appear to [be] gaps at the top of the apex ridge, which can’t be discounted based on the photographs provided, particularly as this isn’t mentioned within the ecological assessment.*

*In addition, I am still not satisfied that sufficient information has been provided in regard to the applicant’s ecologists professional competency. It is highlighted that in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> Edition), indicates that ecologists should hold a level 2 Bat Class Licence when carrying Preliminary Roost Assessments and should be able to*

*demonstrate BCT Level 2 (CIEEM Capable) Competencies. Any assessment of a building with consideration for roosting bats is a 'Preliminary Roost Assessment' if the building is referenced as negligible suitability and therefore demonstration of professional competency does apply in this instance".*

73. In addition to the above, the case officer and the Councils ecologist note that the proposal will result in the loss of a small section of the frontage hedgerow to enable access to be provided. This habitat is likely to be a Priority habitat under the NERC Act 2006 (as amended). As a result, the LPA would expect that proportionate compensation is identified at reserved matters stage.
74. Given the concerns which have been highlighted by the Councils ecologist regarding the proposed development. It is considered that the application is supported by insufficient information to determine the acceptability of the proposal with regard to impact on ecology and questions have been raised regarding the competency of author of the report; therefore, the proposal would fail to accord with Policy DM27.

#### Off Site Ecology

75. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
76. The development for three dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for three additional dwellings

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

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

77. 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.

78. 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. The required financial contribution has not been paid to the Local Planning Authority and this will form an additional reason for refusal.

Other Matters

79. Neighbours are concerned that if the application is approved, the comings and goings associated with the proposal will cause harm to the residential amenities of adjacent properties. However, it is considered that as the proposal is only for three dwellings, the proposal will not cause significant harm.



80. Concerns have been raised that if the application is approved it will lead to a loss of a view. Government Guidance on what can constitute a material planning consideration is very wide and so the Courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of view could not be material considerations. Consequently, in light of the above, issues do with the loss of a view and devaluation of a property are not considered to be material planning considerations.
81. Concerns raised by the objectors are that if the development is permitted it will set a precedent and similar proposals may come forward. However, every planning application must and will be judged on local/national policies and any other material planning considerations. Furthermore, it is not considered that three additional properties will have a significant detrimental impact on utility services in the locality.
82. Other matters raised are that if the application is approved that during the construction there will be significant disruption due to builder's vans, equipment, noise and mess. Again, the case officer notes the concerns of the objectors and appreciates that it is not uncommon for such problems to occur during the construction phase although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore if vehicles are causing an obstruction, for example blocking peoples drives, this is a matter which can be dealt with by the Police who have the appropriate legislation. Issues concerning anti-social behaviour again can be dealt with by the Police. The planning system is not here to duplicate other legislation better placed in these matters.
83. The case officer can confirm that the requisite site notice was put up in close proximity to the site. Furthermore, all the neighbours which are in proximity to the site have been notified by letter. It is considered that the requirements of the GPDO and the Town and Country Planning (Development Management Procedure) (England) Order 2010 in regard to notification have been fulfilled.

## **CONCLUSION**

84. Refuse.

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

Rochford Parish Council: The Parish Council consider this to be inappropriate use of Green Belt Land.

Essex County Council Highways: The proposal includes creation of a shared access on a private section of Bosworth Road. The private road is shared with a Public Right of Way footpath and to reduce the potential for conflict between vehicles and users of the footpath, the definitive right of way shall be subject to a minor diversion from the west to the eastern side of Bosworth Road.

This outline application includes provision of three dwellings with a shared access. The applicant should seek permission from the landowner for the installation of the crossover and closure of the existing access. Adequate room is available for off-street parking and turning.

No objection subject to the imposition of conditions relating to adherence to the submitted Construction Management Statement, no unbound materials, cycle parking, Residents Travel Information Pack, Order securing the diversion of the existing definitive right of way, footpath 14 (Rochford) to a route to be agreed with the Local Planning Authority and standard informatives.

PRoW: In assessing this proposal it is our view that the best option to mitigate the impact on the PROW (Footpath 14 Rochford) from this proposal would be for the applicants to apply to divert the footpath to the western side of the access drive (see red line below). This would provide clear separation for walkers and the proposed development's vehicle access and thus avoid any conflict/safety issues between walkers and drivers.

It is an option which appears deliverable by the applicants to judge by the blue landownership outline provided by the applicants. We would expect approval to be conditioned on the prior successful diversion of the PROW. If the diversion was successful it would remove the need for the applicants to accommodate the section of footpath that lies within their site.

Essex County Council Place Services Ecologist: I am not satisfied that the photograph provided provides me with sufficient evidence to rule out roosting bats. I acknowledge that the roof contains a 25mm batten frame with a single skin felt roof affixed over the top, which does appear to be in good condition, without lifted areas where bats could roost. In addition, if the weatherboarding is single boarding with no cavities, then I agree this will not be suitable for roosting bats. However, there does appear to be gaps at the top of the apex ridge, which can't be discounted based on the photographs provided, particularly as this isn't mentioned within the ecological assessment.

In addition, I am still not satisfied that sufficient information has been provided in regard to the applicant's ecologist's professional competency. It is

highlighted that in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> Edition), indicates that ecologists should hold a level 2 Bat Class Licence when carrying Preliminary Roost Assessments and should be able to demonstrate BCT Level 2 (CIEEM Capable) Competencies. Any assessment of a building with consideration for roosting bats is a 'Preliminary Roost Assessment' if the building is referenced as negligible suitability and therefore demonstration of professional competency does apply in this instance".

London Southend Airport: Our calculations show that, the proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to the following conditions:

- LSA will require to be consulted once heights of the proposed development are known.
- Depending on the heights proposed, there may be a requirement for a third party assessment to be completed at the Developer's cost.

We will therefore need to object to these proposals unless the above mentioned condition/s is / are applied to any planning permission.

Anglian Water: No objections. The application is below the threshold of 10 units requiring necessary consultation.

Rochford District Council Arboricultural Officer: No objections subject to the following comments as part of the reserved matters the council will require details of how the multi stem Ash tree (rear boundary) and hedgerow to the front will be retained and protected during the construction phase. The applicant will need to supply an arboricultural method statement and tree protection plan in accordance with BS 5837

Neighbour representations:

24 responses have been received from the following addresses;

Gravel Road: 15 (2 letters received), 21.

Bosworth Road: 43, 61, 66 (4 letters received), 69 (2 letters received).

Wambrook: 16.

Green Lane: 219.

Groewood Avenue: 88.

Tudor Mews: 2, 4, 5.

Tudor Close: 3, 9.

Station Road: "Mulberry House".

Hartland Close: 8.

Byfield: 3.

2 addresses unknown

And which in the main make the following comments and objections;

- I object to the conclusions of the ecological report I have evidence of Muntjac deers, badgers and foxes within the immediate locality;
- We have not been contacted by the Council in relation to this application;
- The proposal if allowed will have a detrimental impact on bridleways, PRowS and footpaths in the locality;
- The proposal will devalue our property;
- How will the access road and car park be secured at night once the gate has been removed;
- The proposal would be unsightly;
- The proposal due to its location will invade our privacy and houses will over look us;
- The proposal will cause noise pollution and other problems during its construction;
- The proposal will block our daylight and overshadow our property;
- There is a school in close proximity to the site the proposal will increase traffic congestion in the locality;
- There is plenty of badger activity in the area and the report is wholly inaccurate;
- The area is designated Green Belt and the proposal does not accord with National and/or Local Policy;
- The proposal will affect my view;
- I have seen lots of bats in the locality;
- The proposal will lead to over development of the site;
- The development will lead to loss of views and trees etc.;
- If the proposal is allowed, it will set a precedent for similar types of development;
- The description of the site is misleading;
- The applicant claims that the site is developed land, this is not true and misleading;
- There is no comparison to the Tudor Mews development and the current proposal. The site at Tudor Mews was previously a large industrial site with large numbers of vehicles accessing and egressing the site. The current proposal shares none of these traits; and
- The access gate into the park will inevitably be left open if the proposal is allowed and the area will be more prone to anti-social behaviour.

Comments objecting to the proposal have also been received from Councillor Robert McMullan.

- The land in question is designated as Green Belt and any residential development should be rejected as such;

- The highway network will not be able to cope and the proposal if allowed will put additional pressure on the busy network; and
- The proposal will increase traffic volumes will exacerbate road safety risks.

**Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, GB2, T8, ENV9, T3, T6.

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

**RECOMMENDATION: REFUSE**

1. The proposed development would result in inappropriate development in the Green Belt. The scale and mass of the proposed dwellings would have a greater impact on the openness of the Green Belt than the existing built form and would result in encroachment into the open countryside. The development is not considered to meet the criteria and exceptions outlined in the Council's Development Plan and the National Planning Policy Framework (NPPF). There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore be inappropriate and would further urbanize the site in conflict with Policy of the Council's Local Development Framework and the NPPF.
2. The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the Special Areas of Conservation and Special Protection Area due to the potential increased disturbance through recreational activity. The proposal would therefore fail to

comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 175(a) of the National Planning Policy Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

3. The application site lies adjacent to shrub, tree and other ground vegetation. There is also a stable block situated within the application site which may be a suitable roost for bats. Although the stable block appears to be in good condition there appears to be gaps along the apex of the ridge which may be utilised by protected species. The ecological assessment which has been submitted with the application fails to adequately determine whether the stable block is a suitable roost as a thorough and robust assessment has not been completed. Furthermore, insufficient information has been provided in regard to the applicant's ecologists professional competency to undertake the ecological assessment. Therefore, insufficient information has been submitted to support the development, contrary to Policy DM27 of the Development Management Plan and relevant parts of the NPPF which seek to ensure that development appropriately mitigates impacts on biodiversity.

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