PLANNING APPLICATIONS WEEKLY LIST NO.1817
Week Ending 21.08.2026

NOTE:

(i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 24 September 2026

(ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **26th August 2026** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.

(iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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

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Application No :	25/00794/OUT Zoning :
Case Officer	Mr Mike Stranks
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Limehouse Nursery The Drive Rayleigh
Proposal :	Outline planning application for up to 142 dwellings, with access and layout included for consideration.

SITE AND PROPOSAL

1. This application is to the site of the former Wyevale Garden Centre located on the northern side of Eastwood Road and immediately east at the junction made with The Drive. The site is bounded to the north by the unmade extent of Warwick Road. The site is bounded to the east by homes fronting Rayleigh Avenue and Southwood Gardens. There is a slope through the site uphill from Eastwood Road northwards to Warwick Road and downhill across the site from the Drive (west) to Rayleigh Avenue (east).

2. The site is to an area of some 4.13ha (10.2 acres) and is in a mix of residential, storage and commercial uses. To the middle rear part of the site is the dwelling “Lime House”. The front half of the site is given over to the car park and greenhouse display areas of the former garden centre and a range of storage and commercial uses that extend along the western side of the site fronting The Drive. The rear eastern part of the site is tree’d and open. Some trees on the site are the subject of Tree Preservation Orders.

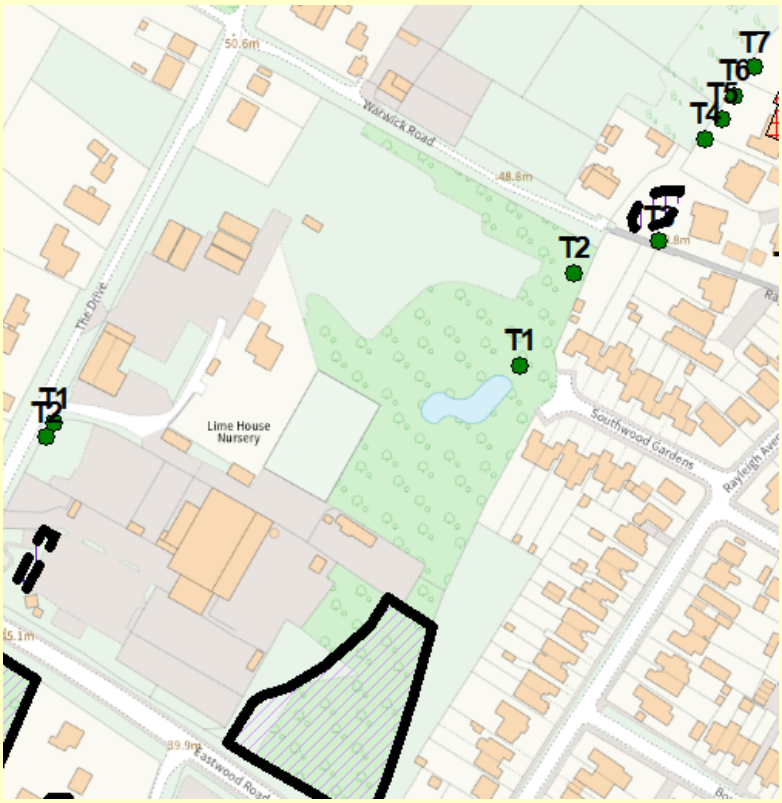


Figure 1: location of Tree Preservation Orders

3. The proposal is an outline application for up to 142 dwellings seeking to establish the principle acceptance of the development but with access and layout details submitted also for consideration at this outline stage. Analysis at paragraph 5.70 to the planning statement accompanying the application provides a break down to a total of 122 units including 36 affordable homes and 10 self - build homes.

4. Though layout is submitted for consideration, the only detailed layout plan is titled “Illustrative “. Nevertheless, the Local Planning Authority is requested to consider the layout submitted.

5. In brief, the development is shown to be served from a single vehicular access point just north of the junction of The Drive with Eastwood Road identical to the sites current access whereby a short stretch of The Drive is used. Whilst this area is currently unmade, the submitted layout suggests some resurfacing with a turning head allowing continued access along The Drive. However, this part of what is shown in relation to access , is outside the extent of the red line identifying the site. A further vehicular access is shown further north and off the unmade section of The Drive to serve four dwellings fronting a private

drive. Pedestrian links are shown to the north east corner of the site with the unmade section of Warwick Road, with Southwood Gardens to the east and Eastwood Road to the south, opposite the junction with Rayleigh Downs Road. Otherwise, the single spine road would follow a meandering route generally through the middle of the site with the residential homes fronting or fronting private drives leading off the main spine road.

6. The submitted Planning Statement accompanying the application describes the site to include the two properties “Red Roof” and “The Croft “ which both front The Drive to the north west of the site at the junction with Warwick Road. However, these two homes are excluded from the site as shown edged red on both location and indicative layout plans. Otherwise the site is broadly rectangular in shape.

SITE PLANNING HISTORY

Planning Enforcement History:

7. Case ref: 26/00043/BIOD_B – More trees, shrubs, hedge and vegetation being cleared from the site ahead of determination of planning application - 25/00794/OUT.

8. Case ref: 25/00202/COU_C - Portacabins brought onto the site and stacked up - unclear what the use is. PENDING Consideration.

9. Case ref: 25/00177/BIOD_B - All trees, shrubs, hedge and vegetation being cleared from the site ahead of applying for planning permission to develop the site - application - 25/00794/OUT received 30.10.2025. CLOSED.

10. Case ref: 23/00047/COU_B (linked to compliance cases 25/00142/NCOMP [notice C]; 25/00141/NCOMP [notice B]; 25/00140/NCOMP [notice A]) – Without planning permission, the material change of use of land to multiple commercial yards namely, Timber pallets, Scaffolding company, Builders yard, Stationing of 12 shipping containers, 2 yards gated, hard surfaced and appears yet to be
occupied (nearest to the gate), Car sales in 2 separate areas within the site. PENDING Appeal outcome.

11. Case ref: 24/00199/ADV_C - Display of advertisements without consent. PENDING Consideration.

12. Case ref: 22/00221/COU_B (linked to compliance case 25/00134/NCOMP [MCOU] 25/00150/NCOMP [op.development]) - Stationing of shipping containers (60) for use as individual private rented storage units. PENDING Appeal outcome.

13. 22/00167/COU_B - Without planning permission, change of use of land from garden centre/grass verge to recreation use involving stationing of converted container and other recreation artefacts. PENDING Appeal outcome.

14. Case ref: 22/00050/COU_C - Car breakers yard operating from the yard and installation of poles and lighting. RESOLVED & CLOSED.

15. Case ref: 22/00007/NCOMP.

    - 1. Without planning permission, the change of use of a garden centre to a mixed use of retail, feed service and siting shipping containers
    - 2. Use of land as a waste transfer site (area with LDC for caravan storage). CLOSED.

16. Case ref: 20/00116/COU_B - 1. Without planning permission, the change of use of a garden centre to a mixed use of retail, feed service and siting shipping containers 2. Use of land as a waste transfer site (area with LDC for caravan storage). APPEAL for the shipping containers. DISMISSED AND NOTICE COMPLIED WITH.

17. Case ref: 20/00102/COU_B - Material change of use of the site to waste transfer site. CLOSED.

18. Case ref: 08/00141/BLDG_C - Rebuild/Replacement Of Building. CLOSED.

19. Case ref: 07/00262/BLDG_C – Erection of fence. CLOSED.

20. Case ref: 07/00185/COU_C - Change Of Use Of 'Area 4' To B2 Uses Including Car Repairs. CLOSED.

21. Case ref: 07/00184/COU_C - Change Of Use to B2 Uses Including Car Repairs. CLOSED.

22. Case ref: 07/00183/COU_C - Change Of Use to B2 Uses Including Car Repairs. CLOSED.

23. Case ref: 07/00182/COU_C - Change Of Use Of B2 Uses Including Car Repairs. CLOSED.

24. Case ref: 03/00106/COU_C - Area to the left of the entrance being used for car repairs. CLOSED.

25. Case ref: 03/00105/COU_C - Caravan Area 1 of the LDC used as tyre fitting by "Tyres Direct" –CLOSED.

26. Case ref: 02/00261/COU_C - Laying of hard surface and use of land as transport yard for HGV's. CLOSED.

27. Case ref: 99/00088/COU_C - Use of One of the Units for Mending Vehicles. CLOSED.

28. Case ref: 97/12038/BLDG_A - Erection of dwelling not in compliance with approved plan. CLOSED.

PLANNING HISTORY

29. Application No. ROC/728/74 – Application for Garden Centre.

30. Application No ROC/547/77 – Installation of Septic Tank.

31. Application No A/ROC/15/78 – Advertising Board.

32. Application No A/ROC/23/79 – Signage Board.

33. Application No ROC/830/80 – Extend Existing Garden Centre.

34. Application No ROC/547/83 – Extension of Existing Car Park.

35. Application No F/674/94/ROC – Demolish Existing Dwellinghouse and Erect Replacement Dwelling – APPROVED.

36. Application No 99/00740/LDC – Application for Lawful Development Certificate in Relation to Existing Use Comprising: Light Industry, Craft Workshop, Storage and Equestrian Uses – REFUSED, SUBJECT TO APPEAL.

37. Application No 01/00538/COU – Change of Use of Buildings and Land to Class B1 (Light Industrial) and Class B8 (Storage and Distribution) Uses – WITHDRAWN.

38. Application No 02/0879/LDC - Application for Lawful Development Certificate for an Existing Use, Namely Mixed B1 and B8 Uses Including Caravan Storage (Resubmission Following 99/00740/LDC) – APPROVED - In determination of this application a Lawful Development Certificate was issued in respect of some areas of the site but not the whole site that is subject to this pre-application request. The LDC established the lawfulness of B1 and B8 uses to Units 1-8 and Areas 1-6 to that part of the site north of the garden centre and west and south of the dwelling. Caravan storage was confirmed to be lawful in areas towards the western site boundary. An area known as Area 2 was specifically excluded from the Lawful Development Certificate; this is the area immediately north of the garden centre car park and which appears today still undeveloped, unused and separate from other actively used areas of the site.

39. Application No 02/00574/DPDP24 - Application for Determination for Prior Approval with Regard to Siting and Appearance of

Telecommunications Installation, Namely: 13.3m Monopole, 2 x 0.3M Dishes, 3 X Sector Antennae, Equipment Cabin and Associated Development. REFUSED.

40. Application No 05/01021/LDC - Application for Lawful Development Certificate for an Existing Use.

MATERIAL PLANNING CONSIDERATIONS

41. 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.

42. The Rochford District is one of few Local Planning Authorities with an adopted Local Development Framework. The relevant parts of the adopted Development Plan are thus the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt Considerations

43. The site is located within the Metropolitan Green Belt as defined in the Council's Allocations Plan (2014) and reflective of the same allocation through previous local plans and development plans given the position of the site in relation to the eastern extension of Rayleigh and Eastwood which is part of the western extension of the city of Southend – on – Sea.

44. The site is characteristically Essex Plotland where unmade roads have sporadic differently shaped plots some with dwellings, as a legacy from agricultural depression, the arrival of the railway and need for land then sold off in auctions prior to both world wars. Though giving the area a partly developed character, the area is distinctly open with vegetation from the neighbouring built up urban areas of Rayleigh and the City of Southend – on – Sea.

45. The development proposed would be inappropriate. Though part of the site is authorised as a former garden centre and dwelling in part qualifying as previously developed, the extent of development proposed would contrast significantly to the extent of authorised development on the site and would be much more harmful to Green Belt openness and would not therefore satisfy Policy GB7 the National Planning Policy Framework (2026) (the framework).

Grey Belt considerations

46. Policy GB7 1. g) I - iii. of the framework makes clear that the development of Grey Belt land is appropriate provided it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, there is a demonstrable unmet need for the type of development proposed and the development would be in a sustainable location. There is a clear unmet need for housing in the district as the Council does not have a five-year land supply currently at 1.97 years.

47. The national Planning Practice Guidance makes clear that where Grey Belt is identified it does not automatically follow that development proposals be approved in all circumstances. Such decisions should be informed by the contribution the site makes to the Green Belt purposes and overall application of polices within the framework.

48. To meet the grey belt land definition the site must not: -

    (a) **strongly** contribute to the purposes of green belt land relating to the prevention of unrestricted sprawl of large built-up areas.

    (b) **strongly** contribute to the purposes of green belt land relating to the prevention of neighbouring towns from merging into one another.

    (d) **strongly** contribute to the purposes of green belt land relating to the preservation of the setting and special character of historic towns.

    In terms of criteria (d) the site is not within close proximity of any historic towns and would not strongly contribute to the preservation of the setting and special character of any historic town.

49. The former garden centre part of the application site comprises Parcel 32 to the Rochford and Southend Green Belt Study (2020) commissioned to inform part of the evidence base to the preparation of new Local Plans to both authorities. Though this study predates the more recent introduction of the Grey Belt tests, this earlier study concludes this smaller developed part of the application site to perform only moderately against the sprawl of built up areas and preventing towns merging because the land contains some urbanising development compromising the safeguarding of the gap between towns.

50. The remainder of the application site however forms part of a wider tract of land forming Parcel P34 to the earlier study and which extending from the northern side of the A127 northwards through the Rayleigh Downs Road area continuing Warwick Road which forms the northern extent of the site. This wider site scores moderately in checking unrestricted sprawl because it contains some urbanising development by way of the plotland dwellings. However, the area

significantly scores **strongly** in preventing towns merging because it forms a narrow gap between Southend – on - Sea and Rayleigh.

51. The Council has now received the draft Rochford Green Belt Assessment (2026) where the area has been reconsidered in the light of the Grey Belt Assessment introduced in the December 2024 framework and the accompanying government advice. The application site is part of a larger parcel identified as Parcel RA48 a to the new study which extends northwards from Eastwood Road through the site beyond Warwick Road and bounded on each side by the built up extent of Rayleigh to the west and Southend – on - Sea to the east. In this more recent study this larger parcel of which the application site is part, scores **strong** in terms of both checking the unrestricted sprawl of large built up areas and in preventing towns merging as it would significantly weaken the separation between the two currently distinct urban areas. On this basis, two assessments have both found the site to score strongly and thus cannot be considered Grey Belt. This is to be given significant weight.

52. At 142 dwellings (141 net) the proposal would make a significant contribution to the overall shortfall in housing supply. The proposal is considered to be in a sustainable location with access to local shops along Eastwood Road and public transport by bus. Taking into account the housing supply position that inevitably will need to be met from land currently allocated Green Belt, the housing supply need and sustainable location is given significant weight in the overall planning balance.

53. The application site (including the two properties Red Roof and The Croft) is identified as site CFS102 (pp 102) with clear potential site option to the Council's Regulation 18 Draft Local plan. By itself the site is unlikely to deliver comprehensive redevelopment but as part of a larger combined site with CFS 266 may form a new site option CFS 102(a). This plan was published for discussion and consultation purposes between 9th February and 24th March 2026. The inclusion of the site at this very initial stage in Local Plan preparation should only be given limited weight whilst the feedback is yet to be considered and decided upon.

54. As the site is not Grey Belt the proposal would therefore be inappropriate development contrary to Policies GB6 and GB7 to the framework. It falls therefore as to whether there are any Very Special Circumstances to this application that would outweigh the substantial harm to the Metropolitan Green Belt.

55. The applicant relies upon the Council's failure to meet the five year housing supply but this has resulted in the main, in the overnight national raising of housing targets without which the Council would have had in excess of four years in supply and is primarily down to overnight change in Government policy rather than

performance. Nevertheless the Council does now have a shortfall to be given significant weight.

56. Only part of the site can be considered previously developed. Much of what can be currently seen is unauthorised as set out in the detailed history to this report. The applicants view that the development would tidy up the site is therefore somewhat misplaced.

57. The provision of affordable housing is what any site would be required to achieve and not very special. The affordable provision proposed in this application would best equate to 38% (based upon 122) units would be below the 50% required. At the full 142 (141 net) dwellings proposed the provision would be much less.

58. No Very Special Circumstances have been demonstrated in the application particulars that would outweigh the harm to this sensitive Green Belt location.

Highways Considerations

59. Policy DM3 1.d to the framework now advises that decisions on development proposals should not be delayed in order to secure advice form a statutory consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks form proceeding without advice, or more detailed advice may enable an approval rather than refusal.

60. The principle access to the site follows that form the unmade section of The Drive as currently serves the existing authorised and unauthorised development . Though the proposed surfacing and turning head close to the junction with Eastwood Road are outside of the defined application site, officers anticipate that the applicant is likely to enjoy existing user rights and as such the works would be a matter for negotiation with existing frontagers and those responsible for the upkeep of The Drive.

61. The County Highway Authority were notified on 9th March 2026 with the period for reply expiring on 30th March 2026. No formal response has at the time of writing yet to be received. District officers understand informally that whilst the County Highway Authority will not be raising an objection, the proposal is subject to continued liaison between the County and the City of Southend – on – Sea in respect of impact and any required mitigation.

Car parking considerations

62. The Essex County Council parking guidance defines the site as within an area of “Good “ connectivity and where form one bedroomed to over four bedroomed homes are required to only provide one car parking space and in addition 0.25 car parking spaces per dwelling for visitors.

For a development of 142 dwellings there would thus be a need for 142 plus (142 x 0.25 = 35.5 (36 spaces) giving a total requirement of 178 car parking spaces.

63. The applicant has provided a car parking plan which unlike the matching layout has not been identified as “Illustrative”. This plan indicates 268 “potential” parking spaces including visitor and disabled provision, many with electric charging points. From the basis of the information illustrated, the development can demonstrate the parking requirements. Each four bedroomed house would have three parking spaces and each house two spaces including garaging. One bedroomed flats would have one space all satisfying the current parking standards.

64. It is noted that two visitor spaces located alongside Plot 10 situated in the private drive would obstruct access to plots 5,6,7,8, 10 and 11. This detail would be best revisited with a detailed reserved matters application as the submission of the layout though proving the quantum of development proposed can fit the site, otherwise lacks precision that would be expected to be rectified at detailed reserved matters stage following the grant of outline consent.

Ecological Considerations

65. Though detailed landscaping for the proposal would be expected at detailed reserved matters stage, the layout submitted for consideration at this outline stage does appear to incorporate provision particularly to the southern part of the layout, for a tree -lined main spine road as required by Policy N3.1.a. to the framework.

66. The applicant advises that the site has been subject to a number of preliminary and walk over surveys since 2010 and particularly since 2020. The applicant has undertaken assessment and a summary of the main findings set out below. The previous studies and identify that a substantial amount of woodland felling was present in 2020 (corroborated as 2019 in neighbour representations) no presence of Hazel Door mice or Great Crested Newts because of the poor condition in water quality of the on site pond as well as work cleaning and regrading of the pond, a population of slow worms has been identified. Due to the absence of non-statutory ecological sites with the potential to be affected by development because of intervening urban development and major road barriers affecting the proposals Ancient Woodlands have been scoped - out from further assessment in the Ecological Impact Assessment (EcIA) accompanying the application.

67. The applicant advises that the site has been a horticultural nursery and in the same family ownership 1886 being purchased as “plotlands” with the legacy of pipework for underground heating and

glass houses fed by the existing pond some of which is still in place. The site features areas of extensive hardstanding.

68. The September 2025 ecological walkover visit found that the value of the un-managed neutral grassland and scrub / pond interfaces as a habitat for slow worm is now much reduced due to ground works having recently taken place. Slow worm may still persist in undisturbed peripheral areas of grassland and woodland edge. The site is considered to be of Local level ecological value for slow worm.

69. During the Preliminary Ecological Assessment (PEA) surveys it was noted that site habitats including the pond, woodland, tree and scrub habitats around the edge of the site had the potential to support nesting and foraging birds, as did some of the buildings. The species assemblage is likely to comprise a range of common bird species that is commensurate with the other habitats present in the wider surroundings. As discussed previously, the extent of scrub, undisturbed grassland and pond is now reduced and as such the site has less potential to be of value to this group. The site is considered to be of Local level ecological value for breeding birds.

70. Three individual roadside trees bordering Eastwood Road were assessed as having low bat roost potential. The woodland in the south-east of the site also contained a number of trees assessed as having low bat roost potential. As per the BCT guidelines, trees with low potential do not require further survey, however, it is good practice to sensitively fell trees with low bat roost potential as a precaution. There are numerous buildings around the site, however, all of these were inspected and assessed over a number of visits between 2020 and 2025 and were considered to have negligible potential for bat roosting opportunities for a variety of reasons: they comprise walls with single skins comprising a range of different materials (corrugate sheet metal; welded steel; timber cladding; brick/other block work and render; and glass); derelict commercial buildings with transparent roofing meaning internal areas are well lit and offer no dark areas during daytime; and residential buildings are of modern construction and are well maintained with the main house having bird/bat exclusion mesh. Bat roosts in buildings and trees are therefore scoped-out from further detailed assessment in this EcIA, however, they are included within the general recommendations for re-survey prior to demolition and sensitive tree-felling techniques.

71. The site is considered to be of Local level ecological value for foraging bats due to its sub-urban location, relatively small areas of suitable habitats and the presence of artificial lighting.

72. The site is considered to be of Local level ecological value for badger as a foraging resource but to not be of current value for sett building.

73. In response the findings the applicant proposes the following measures (in summary)

    a. A Construction and Environmental Management Plan (CEMP) would be prepared to ensure that there was an agreed mechanism for ensuring the delivery of appropriate ecological avoidance and mitigation measures.
    b. The CEMP would contain the Reptile Mitigation Strategy (RMS) and Precautionary Methods of Working (PMOW) in respect of certain works such as the draining down of the site pond and the soft or sectional felling of any trees with low bat roost potential.
    c. A Landscape and Ecological Management Plan (LEMP) or Habitat Management and Maintenance Plan (HMMP) through BNG would be prepared to ensure that the biodiversity potential of the residential development was achieved. This would include details of proposed biodiversity enhancements.
    d. The Reptile Mitigation Strategy would detail what surveys and actions would be needed to translocate slow worms from the site into an alternative (off-site) habitat which was fully prepared and was suitable (i.e. had sufficient carrying capacity and was free from future development proposals).
    e. Where possible features which may be used by bats for foraging have been retained thereby ensuring that part of the current foraging resource is still available for bats to use. The site would be subject to a landscaping scheme which would create new habitats in public open space such as native hedgerows, new trees and seasonal wetland and there would be an extensive planting programme of new trees and the establishment of gardens with associated shrubs and trees. Use of bat boxes and bat friendly lighting.
    f. The site would be subject to a landscaping scheme which would create new habitats in public open space, such as native hedgerows, and there would be extensive planting of new trees and the establishment of gardens with shrubs and trees which would also provide nesting opportunities for birds. It is also proposed that nesting opportunities for birds are installed on retained trees in the form of boxes or are integrated within the new build structures themselves. A minimum of 30 bird boxes / integrated bricks are proposed.
    g. Prior to the removal of all site structures and areas of woodland there would be an updated badger survey to ascertain whether any active setts are l present. Depending on the results of the survey, if an active sett was found to be present then a Natural England development licence for badger would be obtained. A wildlife-friendly lighting scheme would be implemented for those areas bordering retained corridors and public open space to ensure that badger can utilise these habitats.

74. Natural England advise that the impacts upon designated sites need to be considered by the undertaking of an appropriate assessment.

75. The County Council's Place Services ecologist has also been consulted for specialist advice and state that there is insufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable in terms additional information on habitat sites, reptiles and Priority Habitat that is further required prior to determination. In addition, not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

76. For an appropriate assessment under the Habitants regulations The LPA is required to decide if the proposal passes or fails the integrity test. A proposal will pass the integrity test if the appropriate assessment shows that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the site.

77. If the proposal fails the integrity test because an adverse effect on site integrity cannot be ruled out, the proposal must be rejected in its current form. This means permission is not granted. The work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as a 'derogation2'. It is not considered that the 3 legal 'derogation' tests would be met for the proposed development.

78. For the reasons set out the conclusion is reached that the proposal would NOT pass the integrity test and that it WOULD HAVE AN ADVERSE EFFECT on the integrity of the designated sites. The development is therefore not considered acceptable in this context and should not proceed until an alternative proposal can be demonstrated to be acceptable.

79. Accordingly, district officers advise that there is insufficient ecological information that can at this time allow the application to be determined positively in terms of ecological impact.

Flood Risk and drainage considerations

80. The site is located within Flood Zone 1 the area least susceptible to flooding and to where development should be directed.

81. The surface and foul runoff from the residential property to the centre of the site drain to an existing pond after receiving treatment through a septic tank. The site is served by a piped drainage network and runoff from both areas discharge into a sewer system along the southern boundary of the site. Foul water from the former garden centre, however, discharges into a cess pit.

82. Following current best practice and the Sustainable Drainage Systems Design Guide for Essex , the Flood Estimation for small catchments rainfall-runoff method (IH124) has been used to estimate the

'greenfield' runoff rate from the 4.13ha drained area of the site. This results in an allowable discharge of 12.65 l/s (3.06l/s/ha).

83. The applicants Flood Risk Assessment concluded that the risk of flooding from all sources is low at the site and will remain low throughout the project lifetime of the development. The Surface Water Drainage Scheme sets out that following redevelopment, stormwater runoff from the site will need to be discharged towards Eastwood Brook via the Anglian Water network beneath Rayleigh Road on the southern site boundary. This sewer already receives runoff from the site but, as a result of development, the peak rate of runoff discharging into the system will be significantly reduced. All driveways and footways would be constructed with permeable surfaces underlain with gravel. Excess water from the permeable sub-base and runoff from the impermeable road surfaces would drain to an underground pipe work and be conveyed to basins that will control the peak rates and quality of discharge from the site.

84. It is proposed that storm water from the site be drained as two sub-catchments. The northern sub-catchment would drain to an existing pond which will be improved and integrated into the landscaping and public open space to create ecological improvements and a safe feature that can be enjoyed by residents. During wet periods discharge from this improved pond would drain to an existing ditch on the eastern site boundary which will convey flows down to the sewer. The southern sub-catchment would discharge to a new basin located in the lowest area to the southeast of the site adjacent to Rayleigh Road. The basin would be formed with shallow side slopes with wetland planting and a permeant area of open water. Water would discharge from this basin directly to the sewer to the south. The permitted discharge rates proposed from these two sub-catchments are based on the runoff from the undeveloped site (i.e. greenfield) in response to a 100% (1 in 1) annual exceedance probability (AEP) rainfall event (the 1 in 1 year storm). Given that the site is currently developed with no stormwater control for much of the area, it is argued this will constitute a very large reduction in the peak rates of discharge for all storms. The attenuation ponds have been sized to accommodate excess flows above this rate for all storms up to the 1 in 100 annual probability event with a 45% climate change allowance.

85. The Foul Drainage assessment form that identifies that the development would seek to connect to the public foul sewer network.

86. The indicative plan shows a potential layout to include holding basins or swales that are typical of new development in that they are designed to hold back significant storm waters to be released at a controlled rate during and after rainfall periods.

87. However, the necessary details are limited with no assessment of the necessary run off rates, their impact or capacity both within the site and

that of the wider network. The absence of the design and capability has attracted objection from the Lead Local Flood Authority as set out in the response to consultations below.

88. **Layout Considerations**

Density

89. The 142 dwellings proposed would equate over the site area of 4.13ha to a gross density of 34.4 dwellings per ha(dph). This figure equates with the 35 dph considered acceptable in locations within walking distance of mainline stations as described in Policy L3.2.c to the framework and above the minimum 30 dph to Policy DM3 of the Council's development management plan. As such and as best as can be established at this outline stage with reliance upon an "illustrative" layout, the density proposed would thus be generally acceptable against recent government policy and existing policies of the Council.

Dwelling mix

90. Paragraph 3.4 to the Planning Statement submitted to accompany the application states that the development would be a mix of bungalows and two storey homes. The storey heights parameters plan shows the area generally west of the spine road would be up to two storeys in height and the central core and area east of the spine road up to three storeys. The accommodation schedule only refers to house and flatted designs. Indicative house types submitted do not show bungalows. However, such details can be required as part of reserved matters that would follow the grant of outline permission.

91. Policy HO6 to the framework largely speaks to the provision of a diverse mix of sites and requires local plans to allocate smaller site in addition to strategic sites. Consideration has to be given to specialist housing for older and disabled people.

92. Policy H5 to the Council's Core Strategy (2011) shares the aim of the new national policy requiring new developments to contain a mix of dwellings to cater for the community's needs.

93. Though the submitted plans are described as illustrative, an accommodation schedule is submitted with the following breakdown;

Type	1 bed	2 bed	3 bed	4 bed	5 bed	%
Private	0	46 (32.4%)	30(21.1%)	10(7%)	0	60.5%
Affordable	12 (8.5%)	29 (20.4%)	5 (3.5%)	0	0	32.4%
Self build	0	0	3 (2.1%)	7 (4.9%)	0	7%
TOTALS	12(8.4%)	75(53%)	38 (27%)	17 (12%)	0	Total 142 ((100%)

Table 1: Accommodation breakdown

94. The development would be heavily biased towards two and three bedroomed accommodation representing 80% of the total units proposed. Officers consider there should be a greater dwelling mix to include one and two bedroomed bungalows, so as to provide for future needs for those requiring single storey accommodation. As the layout is illustrative and the application is in outline form, the dwelling mix could be improved as a condition to the grant of outline permission.

Affordable Housing

95. Policy HO5 to the framework requires that proposals should meet or exceed up to date development plan requirements for the proportion and mix of affordable tenures relevant to the location. Off site delivery and cash payment in lieu of off- site provision is possible where robustly justified.

96. The proposed parameter plan which though identical to the illustrative layout is not described to be illustrative, shows the ten self - build plots to the north west corner of the site layout. The affordable housing comprising eleven two bedroomed flats in two buildings to the north east corner of the layout and seventeen, in a mixture of one and two bedroomed flats together with five houses to the south east corner of the site. These groupings would be in acceptable clusters of 11 units and 23 units (including the FOG unit) enabling management.

97. Policy GB8 to the framework continues the requirement of paragraph 157 to the previous framework that affordable housing on major sites located within the green belt should be subject to 15 percentage

points above the highest existing affordable housing requirement which would apply subject to a 50% cap. Policy H4 to the Council's Core Strategy (2011) requires the provision of 35% affordable housing. Applying the additional 15% would require 50% of the homes proposed to be affordable.

98. The affordable provision proposed in this application would equate to 38% (based upon 122 units) would be below the 50% required. At the full 142 (141 net) dwellings proposed the provision would be much less at 32.4% or 39.4% if including the self - build units.

99. No justification has been made for the under provision in affordable housing proposed and as such the scheme as proposed must be refused as failing established and new policy requirements.

Detailed layout considerations

100. Though layout has been requested for consideration, the only detailed layout has been submitted as "Illustrative" undermining robust assessment based upon those plans. However, the identical proposed parameter plan is not described to be illustrative.

101. The layout generally provides suitable plot widths for the house types and mostly with parking to the side so achieving more than the required 1m sidespace, there are a number of garden areas significantly below the minimum required. As an example the two bedroomed houses proposed to plots 2,5,8, 10,51, 79,99, in ranging between 31 – 47 square metres are each below the minimum 50 square metres required . The detached three bedroomed house at plot 2 would only have a 73 square metre garden area and below the 100 square metres required. This failing would if allowed result in a layout failing to function well for future residents to the development contrary to Policy DP3 2. a. of the framework (2026).

102. The County Council's Place Services Urban Design Team have been consulted for a specialist view in respect of achieving well designed places in which for future residents to live. A number of failings have been identified as listed below;

- Seek clarity in how design rationale has been considered / reached. Block structure needs revisiting. Comprehensive street assessment required to align with "Essex Street types"
- Unclear fronts and backs / access for unnumbered plots adjacent SUDS *(officer comment plots 47 and 48)*
- Inconsistent garden sizes notably plots 29 and 30.
- The unknown structures positioned in front of these plots interrupts the street scene and obscures the front elevation of the easternmost block. If these elements are intended to accommodate garages or parking, this would not represent best design practice,

particularly where they dominate the street scene or undermine active frontages.

- The access to the garden of plot 86, via a narrow route bounded by the rear gardens of plots 78, 79 and 85, is of particular concern. Such arrangements are likely to result in poorly overlooked and constrained spaces, which may feel unsafe and underused. This approach does not align with best practice H1 principle of the National Design Guide for creating secure and usable environments that are convenient to access.
- More broadly, the layout would benefit from a clearer definition of edges and interfaces, with more coherent front-to-back relationships secured through a more traditional perimeter block arrangement. By strengthening perimeter blocks, there is an opportunity to reduce poorly defined spaces and inconsistencies in plot sizes and shapes and ensure that built form positively addresses both streets and open spaces. This would create a more coherent and legible structure, reinforcing a stronger sense of place.
- Overall, it is recommended that a comprehensive assessment of the street network, movement patterns and active travel routes is undertaken to inform the evolution of the scheme. This should include a clear alignment with the Essex Street Types to demonstrate best practice in street design, balancing movement and place functions.
- the scheme is served by a single point of vehicular access. Whilst this may be influenced by site constraints, such an approach requires active travel connections to be strengthened to ensure permeability and to reduce reliance on this single point of access. Where active travel is also proposed via the main access, as suggested in the illustrative view, further detail is required to demonstrate how pedestrians and cyclists will be prioritised, particularly in relation to visibility and crossing points. In addition, clarification is required regarding the north to south pedestrian link. It is currently unclear whether this route is intended solely for pedestrian use or as a shared active travel route, as there are inconsistencies with how this route is referred to across the submitted drawings.
- The continuous frontage and use of Flat Over Garage (FOG) units on the primary street is supported. The use of tandem parking is also positive, however as listed in Essex Parking Guidance this should be within the curtilage of the dwelling and set back behind the building line. It is understood that this is the design aspiration however some of the tandem parking steps forward of the building line. This approach would detract from the quality of the street. Additionally, the use of three consecutive tandem spaces, as indicated in the northern part of the site, is not supported from an urban design perspective and should be reconsidered.
- More broadly, the relationship between parking and front doors requires further consideration. In several instances, parking does not appear to be well integrated with the principal elevations of dwellings, which may affect access for residents. Rear parking courtyards should be well overlooked and activated. The rear parking behind plots 5-11

for example currently is poorly positioned, with an unclear relationship to the relevant home and a lack of active surveillance.

- The retention of existing landscape features appears limited, particularly along the eastern edge of the site where there seems to be significant tree and vegetation loss. An arboricultural survey is required to understand the quality, value and potential for retention of existing trees and planting.
- The inclusion of street trees is welcomed; however, this approach appears inconsistent, with street tree planting limited along the north to south spine route. A more comprehensive and consistent street tree strategy is recommended.
- The approach to SuDS currently appears to be driven primarily by topography and residual spaces within the layout, rather than forming an integral part of the landscape structure. Whilst it is positive that these areas are generally overlooked and to be considered as amenity spaces, their function and quality remain unclear. There is a clear opportunity to develop SuDS as multifunctional spaces that contribute to amenity, play, biodiversity and visual interest. This should include consideration of pedestrian routes around and through these spaces, integrating them into the wider movement network and ensuring they are accessible, safe and actively used.
- The location of the Local Area of Play (LAP) is understood to have evolved in response to pre-application discussions, which is supported in principle. However, its current positioning raises concerns regarding quality and usability. The siting beneath mature trees may result in overshadowing, maintenance and usability restrictions, while the adjacent parking areas could detract from its overall amenity, with a lack of clear activation from the surrounding homes. Further clarity is required on how this space is to be utilised.
- In addition, the purpose and design of the open space located adjacent to the site access is unclear. Without a clearly defined function, there is a risk that this space becomes redundant, whilst it should support the creation of an attractive gateway to the scheme. It is recommended that all areas of open space are designed with a clear purpose and are supported by appropriate landscaping treatments, boundary definition and activation.
- The proposed material palette and initial analysis of built form and architecture, as indicated within the illustrative sections, are considered positive and provide a helpful starting point for establishing the character of the scheme. There is an opportunity for this to evolve further through the subsequent design stages, ensuring that materials, massing and detailing are clearly aligned with the intended character areas, local context and contribute to a coherent and high-quality environment in line with principles C1 and I2 of the NDG. In this context, it is recommended that a vision and an accompany set of design principles is developed to underpin the built form approach.
- the current approach, which proposes seven character areas, may result in an overly fragmented identity and a lack of cohesion for a development of this scale. We recommend simplifying this approach to

provide a lower number of character areas that are more clearly defined.

103. Despite the confusion between illustrative and proposed layout details district officers conclude as best as can be established, that the layout that can be understood would fail to optimise the sites potential to achieve a well design place and would thus be contrary to Policy DP3 2.e to the framework (2026).

CONCLUSION:

104. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council	Based on the information provided to this Planning Committee, the Town Council objects to this application due to over development of site and insufficient plans.
Southend – on – Sea city council	The site is located in the Green Belt and is considered strategically important to prevent Southend and Rayleigh merging. SCC do not consider that the development meets any exceptions to inappropriate development in the Green Belt and do not consider that the development meets the definition of grey belt within the NPPF. SCC is not aware of any 'very special circumstances' that would clearly outweigh such harm. In terms of layout, SCC consider that the layout of the development could be improved. The layout should be designed to ensure it has a good relationship with Eastwood Road, with dwellings fronting onto Eastwood Road and ensuring that the site's frontage is not dominated by parked cars

	and hardsurfacing. The layout lacks focal, terminating vistas and does not integrate well with the existing dwellings to the east and west. The layout should have good permeability and encourage active travel. Pedestrian and cycle links could be increased in this respect. You should carefully consider the separation distances between the existing and proposed dwellings to ensure an appropriate standard of accommodation is provided for the proposed occupiers and to ensure that the residential amenity of existing residents is not adversely impacted. Whilst scale and appearance are reserved matters, the parameter plans indicate that the eastern side of the development will be three storeys in scale with two storey development to the west. The dwellings in this part of Southend and to the east of the site are typically two storeys, which is a concern and could result in a development that appears prominent and highly incongruous in the area. In terms of appearance, whilst this is a Reserved Matter, the illustrated house types provided are poor and lack articulation and interest. The windows are small and the frontages flat. The 2.5 storey dwellings appear significantly top-heavy with a disproportionate roof area. The dwellings and flats shown in the streetscenes also appear to lack interest and the development overall seems to lack a sense of place. The number of character zones seems excessive for the scale of development proposed, which may result in a development that lacks cohesion. The development should be fully considered in terms of its impact on Southend's infrastructure, including its nearby schools and road infrastructure. In this respect, **the Highways Team request a contribution of**

	£50,000 to improve the nearby Southend-on-Sea City Council bus stops. Southend on-Sea City Council would also seek an **appropriate education contribution towards mitigating the impact of the development on education infrastructure,** based on the proportionate pupil yield attributable to Southend-on-Sea's schools. Southend-on-Sea City Council therefore requests that Rochford District Council acknowledges the potential cross-boundary educational impacts of the scheme and ensures that any planning obligation provides sufficient flexibility to enable education contributions to be appropriately apportioned between the affected education authorities in accordance with the agreed proportionate pupil yield.
Essex County Council Highways	Comments Awaited. Officers advise that informally the County have no objection but continue to liaise with the City of Southend - On – Sea and formal comments awaited at the time of writing. Informal comments as below; No objections to the development subject to the usual planning conditions and appropriate level of mitigation. from the illustrative layout - • Essex County Council won't adopt (assuming that is proposed) verge between footway / carriageway on this road type – e.g. how on southern side / eastern side of access road into

	development. As per Essex Design Guide 5.5m carriageway with 2m footways. • Visitor Parking - not marked bays on shared surface • Shared surface need 500mm service strip on both sides • Internal tracking diagrams
London Southend Airport (LSA)	**Holding objection** until the following information is provided: • Details of the surrounding built environment to understand if the proposed development is taller, this may require additional assessment of impacts to the OLS (Obstacle Limitation Surfaces) to be undertaken, currently the proposed development penetrates two of the OLS. • Outcome of an Instrument Flight Procedure Assessment to allow LSA to understand if there is any safety or operational impact to the flight procedures. LSA will not be able to accept any penetration of the procedures. • Details of renewable energy sources to allow LSA to assess to ensure no impact • Details of any external lighting scheme to allow LSA to assess to ensure no impact. The effects of aircraft noise should be considered on the development by way of an informative.
Essex Police	Whilst recognising this is an outline application, there is little reference to

	security and designing out crime. Seek electric vehicle charging points for Police vehicles. – 20 mph speed limits – Developer contributions for ANPR – Detailed comments: Crime Prevention through Integrated Design (CPTED) - No details of dwelling security and cycle storage - Seek safe system approach to road design - landscaping will need to be obstructing to allow clear sight lines and avoid potential hiding places - Seek to discuss lighting provision to prevent dark areas and opportunity for criminality - Seek to discuss parking provision to ensure it is safe and secure with sufficient lighting to enhance the feeling of safety for its users - Security provision for electric vehicle charging points (emerging crime type)
Essex County Council Place Services Urban Design	Based on the submitted plans and supporting information, the emerging proposals show a positive design ambition. This includes an aim to relate to context, with well activated and continuously fronted streets, and an emerging approach to character and built form. However, the current layout lacks legibility, with a fragmented block structure and inconsistencies in the relationship between

	built form, landscape and movement risks creating unclear private/public spaces and front/backs relationships. Key concerns further relate to the integration and purpose of amenity and play spaces, SuDS, and the potential over fragmentation of character areas. It is therefore recommended that the scheme is further refined through a more traditional perimeter block approach, supported by a clear design vision and series of principles to be captured in an expanded DAS or new Design Code. In addition to the above comments, we would recommend the proposal be reviewed by a Design Review Panel, particularly as paragraph 138 of the NPPF emphasises the value of such panels.
Rochford District Council Recycling	No reply received.
Essex County Council Place Services Listed Buildings	Advise that the site is not within a Conservation Area. While the site itself does not contain any heritage assets, there are three within the surrounding area, including: • Romano-British site North of Pound Wood (Scheduled Monument) approx. 885m southwest (List Entry No. 1002147), • Eastwood Lodge (Grade II) located approx. 130m northeast (List Entry No. 1306922), and • Barnabys Hotel (Grade II) located approx. 970m northwest (List Entry No. 1112647). The proposed development is unlikely to impact the significance or setting of any designated heritage assets in the wider vicinity. For the Scheduled Monument

	and Barnabys Hotel, this would be due to the distance, topography, interposing development, and lack of intervisibility. Located approx. 130m northeast of the application site, Eastwood Lodge is the closest heritage asset, but its rural setting has already been lost due to the twentieth century residential development within its immediate vicinity. The proposed residential development would be within an already suburbanised context. In conclusion, the proposed development would result in no harm to the significance or setting of the heritage assets in the wider area; their special interest would be preserved. This would be in accordance with Section 16 of the National Planning Policy Framework (NPPF) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, have no objections to the application.
Essex County Council Place Services Archaeologist	Advise the site has potential to contain multi – phased Archaeological deposits. The proposed development is situated within the Rayleigh Medieval Deer Park and Limehouse Farm 1777, tithe map 1840. Prehistoric activity in the area also known. Seek condition for Trial trenching and further investigation depending on trenching results.
Rochford District Council Environmental Health	Concern at noise levels from Eastwood Rd Traffic. Seek 2.4m high acoustic fence or walls to certain plots. But advice to achieve the lowest practical levels. LPA need to

	determine of the proposal is “desirable” so as compromise is justifiable. If scheme otherwise considered acceptable a condition can be added to the permission requiring details to be submitted for acoustic barriers and their maintenance. Enhancements to the acoustic performance of glazing and ventilation will be required in some plots to achieve the recommended internal noise levels. The site's long and varied history of commercial and industrial uses means that phase 2 site investigation and risk assessment will be necessary to investigate the potential pollutant linkages identified in the tier 1 risk assessment's conceptual site model. This can be secured via standard contaminated land conditions. Air Quality assessment follows best practice. Need to mitigate dust during the construction phase.
Environment Agency	No reply received.
Essex County Council Sustainable drainage (SUDS)	Holding objection to the granting of planning permission based on the following: · Runoff rates should be calculated based on the full development site area subtracting any areas of large open space that will not be draining via the proposed SuDS. · Clarification how the existing surface water flow pathway along the eastern site boundary will be maintained and managed onsite. Furthermore, as the flow path is within the area of the proposed attenuation

	features, the basins should be sized accordingly to ensure that the features and associated drainage are not overwhelmed in times of storm. In the areas of surface water flood risk, details around finished floor levels should be provided. · Water quality. The Flood Risk Assessment acknowledges that 'storm water will only discharge via the detention basin / pond' which is a 'single tier of treatment'. Using the National Trip Analysis, we would expect the access roads to have more than 300 traffic movements daily and thus Tables 5-8 and 5-10 should be updated to reflect a Medium Pollution Hazard Level, and a minimum of two stages of treatment should be provided. A single basin would not provide sufficient treatment for the access roads. · The attenuation required for the northern catchment for up to an including the 1 in 100 year plus climate change storm event within the northern pond should be formalised and should not overlap with the space assigned for the LAP. · As the site is situated within a Critical Drainage Area, permeable paving should be used where any hardstanding is required, and each house should be fitted with a water butt.
Anglian Water	Advise no assets within the site. Apply a three-year Q90 DWF average (2023–2025), together with the flows associated with sites that already benefit from planning consent. Our DWF dataset is reviewed and updated annually in consultation with the Environment Agency. Based on the above assessment, Rayleigh-

	East WRC is within the acceptance parameters and can accommodate the flows from the proposed growth. Request condition for strategic foul water strategy and surface water disposal.
Essex and Suffolk Water (Northumbrian Water Limited)	Advise that have not yet received a Pre – Planning Enquiry (PPE) (From Developer) essential to confirm if there is sufficient capacity within the network to support the development and determine if network reinforcement will be required. Request drought resistant landscaping and efficient irrigation.
Essex Fire and Rescue	No reply received.
Natural England	Advise that the proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Further information Required to determine impacts on designated sites (SSSI, SAC's SPA's and Ramsar). Requires an appropriate assessment.
Essex Wildlife Trust	No reply received.

Essex Badger Group	Considerable Badger Activity in the area. Formally object to the submitted EIA and PEA on grounds they fail to meet best practice standards for Badger Survey inc; • Absence of dedicated Badger survey report • Failure to map badger activity and field signs • Lack of sett identification and classification nor does it provide sufficient justification for concluding that no setts are present. This falls short of accepted survey methodology. • Inadequate and inconsistent survey effort The assessment relies on a combination of historic surveys and intermittent updates, with no clearly defined or valid survey baseline. • Failure to undertake appropriate monitoring of potential setts • Contradictory evidence and lack of precautionary approach • Deferral of mitigation to planning conditions The EIA defers key mitigation measures to a future Construction Environmental Management Plan (CEMP). This approach is inconsistent with best practice, which requires sufficient survey information and a clear mitigation strategy to be submitted at application stage. • Absence of a detailed mitigation strategy • No assessment of disturbance impacts

	• Inadequate assessment of foraging habitat loss No mitigation or compensation for loss of foraging habitat is proposed. • Failure to consider habitat connectivity and badger movement • Absence of a species-specific construction method statement • No monitoring or management plan • Inappropriate reliance on badger adaptability Taken together, these deficiencies demonstrate that the ecological assessment is incomplete and does not comply with recognised best practice guidance. Accordingly, the application fails to provide sufficient ecological information to enable lawful determination and is therefore contrary to established planning and environmental requirements.
Rochford District Council Woodlands	Objection The proposal will result in the loss of W1 TPO/00002/83. The woodland is listed on the MAGIC website under priority habitat inventory deciduous woodland identified in the UK Biodiversity Action Plan and listed as being of principal importance for the purpose of conserving or enhancing biodiversity under section 41 of the Natural Environment and Rural Communities Act 2006. BS 5837 section 5.3.1 suggests the default position for structures is to be outside the RPA of trees to be retained unless there is an overriding justification, at present no

	justification has been provided and there are various structures located within the RPAs of retained e.g. T14, T18 (TPO'd tree) and T19 (TPO'd tree) (tree survey referencing). BS 5837 section 7.4.1 suggest that no-dig construction / hard surfacing is to be used only where it is unavoidable, as this is an outline application it would be avoidable at the design stage, hard surfacing should be excluded from the RPAs of the retained trees, in particular the TPO'd tree stock T1 G1 (TPO referencing).
Essex County Council Place Services BNG (ECOLOGY)	Holding objection. Further information required stat designated sites, protected species, priority habitats BNG. Are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on habitat sites, reptiles and Priority Habitat is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. Protected species reptiles – slow worms further details of receptor site required.

	Removal of Priority habitat (deciduous woodland) close to Dodds Wood and Dodd's Grove SSSI etc. good local connectivity for wildlife. Further justification is required as to why Priority Woodland cannot be retained for Biodiversity. Mandatory BNG. Recorded baseline may not be representative of the site prior to degradation. (Much more in response) Invasive species (Virginia Creeper). Needs to be removed under invasive species protocols. Seek RAMS contribution for (142 proposed dwellings (– 1 ex unit) 141 net units x £175.55 = £24,752.55
Essex County Council Education	No reply received.
NHS Essex Integrated Care Board (the ICB).	Advise the proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICB would therefore expect these impacts to be fully assessed

	and mitigated. The development could generate approximately 355 new residents and subsequently increase demand upon existing constrained services. **The ICB therefore requests that the sum of £111,200** be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.
Essex County Council Future Infrastructure	No reply received.
Essex County Council Place Services Strategic Planning	No reply received.
East of England Ambulance Service Trust	Advise in terms of Ambulance Service Capital Infrastructure. Anticipate (according to modelling) 71 additional service calls per year representing a 4.3% increase in annual activity; - seek contribution of **£47, 940** for relocation, expansion and installation of EV

	charging infrastructure at Southend Ambulance Hub, ensuring sufficient vehicle readiness and safe deployment capacity. - Seek air ambulance landing area equivalent to size of football field free of obstructions such as trees and overhead cables - Provision of automated defibrillator in heated cabinet and maintenance for 10 years (approx. **£10,500)** per device. - Well being considerations such as space for home working and natural light, allotments, balconies and terraces - Flood avoidance – from a health impact perspective
	Letter from the Minister for Nature (DEFRA) in respect of appeal against a Restocking Notice served by the Forestry Commissioners. Agree with some of its conclusions regarding specific grounds of appeal: that the land could not be considered a garden, that there were mapping errors and that there was insufficient evidence to demonstrate that the felled trees posed an immediate risk of danger or nuisance to people or property. However, I do not agree with its recommendation and have determined to direct the Forestry Commissioners to withdraw the Restocking Notice. I have made this decision for the following reasons exclusively: - unclear whether the Forestry Commissioners had full regard to the amenities of the district when deciding to serve the Restocking Notice.

	- note the Reference Committee's conclusions that mapping in the original Restocking Notice was inaccurate, and the restocking area should consequently be reduced by approximately half to 0.33ha. At paragraph 16 of its report, the Reference Committee noted that natural regeneration was "pervasive across the site", which itself appears to be remedying much of the felling within the relatively small restocking area, although I note that, without the natural regeneration being covered by a Restocking Notice, it cannot be assured that it will remain in situ until such time as it has grown to a licensable size. - In this particular case, when considering uncertainty over the issue of amenity, the much-reduced restocking area and natural regeneration within it, I do not consider that upholding the Restocking Notice is in the national interest for maintaining and expanding forestry resources in England. - Therefore, pursuant to Section 17B(2) of the Act, I am notifying you that the Restocking Notice dated 21 April 2021 shall be withdrawn.

Neighbour Representations:

Forty – nine responses have been received and which in the main make the following comments and objections (summarised);

Green Belt issues

- Green Belt land should not be built on as this land provides a rare sanctuary of wilderness and calm in this area.
- Inappropriate development
- Rochford council are being flooded with planning applications with over 1,300 new homes being proposed, which in my opinion we cannot sustain this level of development.

- No application for planning permission has been previously sought, let alone agreed to. Permission was not given to turn the site into a container park or to establish a functional car breakers yard. At that time we were supported by Councillor Mr. Richard Lambourne, who was concerned that these activities were not appropriate on 'Green Belt' land. Both these ventures became matters of enforcement and they were thus curtailed.
- I oppose this application for conversion of 2 plots, namely Limehouse and Limehouse nursery, of a single dwelling plot set in the green belt buffer zone and a garden centre commercial property in the green belt buffer zone, into high density housing, it has been the landowners intention to industrialize these plots illegally with no application ever being made to get change of use since their original planning permission, ignoring all legal routes to get change of use causing nuisance to the residents of The Drive, bearing in mind it is on a single lane unmade road to the west and north boundaries edged by thick natural hedgerow.
- The area behind the yard that is there, provides an area for the local community to use, I believe is green belt.
- Another greedy developer grabbing more green belt under this Labour government. We are losing so many green spaces in Rayleigh. This development would merge Rayleigh with Eastwood with no clear boundary between the two towns
- This land currently forms part of the open Green Belt and is one of the remaining areas of open space beyond the edge of Rayleigh. It helps maintain a clear break between built-up areas and the surrounding countryside. Building up to 142 houses here would clearly extend the town into open land and permanently, irrevocably, change the character of the area. I do not believe there are any exceptional reasons that justify building on Green Belt land - particularly in this location.
- I have lived in The Drive for over 40 years and being a country life sort of person have enjoyed the time. I have a collection of vintage cars and motorcycles and twelve years ago I removed an old wooden building where they were stored and replaced it with a larger metal one. I placed my collection of vehicles in there and my piano and also had the occasional party. I was then told that the building must be taken down (after it had been there for twelve years) and was threatened with imprisonment if I did not comply. I find it very hard to accept that 142 houses can now be built on the Green Belt Area opposite, and if this is the case I feel I should be allowed to put my shed back!
- Since moving to The Drive we have always been told this complete area was green belt so cannot understand why this application has been made.
- The proposed number of dwellings is nearly five times greater than the allocation in the local plan, representing clear overdevelopment diminishing the Green Belt beyond what was agreed in the plan.
- Furthermore, the excessive number of proposed dwellings represents a significant departure from the local plan, undermining established planning principles and threatening the sustainability of community

resources. The visual evidence provided clearly demonstrates the environmental risks, including habitat disruption and drainage issues, reinforcing the need for rejection.

- The applicant's Green Belt Assessment fails to demonstrate the "very special circumstances" required to outweigh the substantial harm caused.
- The proposed scale of development – 142 dwellings as opposed to the local plan's allocation of 30 – represents a significant departure from locally agreed objectives and will result in considerable loss of Green Belt land that is valued by the community.
- Furthermore, the density of dwellings and associated infrastructure will lead to over-urbanisation, undermining the semi -rural character and tranquillity of the area.
- I am surprised to see a plan such as this being presented in this specific area where the land is on and around land that is within a Green Belt. To my knowledge, building regulations have historically been very strict about the nature of any building development, so to see a request for 146 properties on this plot seems both unrealistic and ill-considered.

Highways issues

- The development will only have one vehicular access option for 142 houses, that seems to be inadequate, particularly as the junction will be on a busy main road (A1015) - same access for existing properties in and beyond The Drive. 142 Houses seems excessive given the amount of other proposed developments in the Rochford / Rayleigh area
- Should have at least two access points in case of emergencies
- Garages unsuitable for modern cars but plans only for one additional parking space so inadequate and will cause problems for emergency vehicles and refuse collection
- Access into Southwood Gardens unnecessary as existing footpath behind Southwood gardens
- Object to 50% width reduction of The Drive, limiting access for bin lorries and other services
- Extra footfall
- increased congestion and pollution form additional traffic
- Local road network currently at capacity and smallest obstruction such as weekly bin collections already cause tailbacks
- Only one exit causes concern and would cause a bottleneck that in turn will lead to residents trying to avoid it but turning up The Drive to Warwick Road
- Insufficient parking provision leading to overspill in an already over capacity neighbourhood, compromising the ability for emergency services to attend as needed Security - compromising the security of local residents
- Unless the council starts building roundabouts along the Eastwood Road, no one is going anywhere and the area will be as polluted as Thurrock with all the traffic fumes

- The additional traffic volume from 142 new homes, many with two cars, all accessing/exiting the site from a single entrance, The Drive, onto Eastwood Road will cause a major traffic flow and noise issue and also have road safety issues on the steep Limehouse Hill where many vehicles already exceed the speed limit.
- The addition of up to 142 dwellings would generate a significant increase in vehicle movements on local roads which are already under pressure. Strain on junctions and road infrastructure not designed to accommodate this level of growth without substantial and deliverable highway improvements, the proposal risks worsening traffic conditions and reducing road safety for existing residents.
- It appears from the plan our access road The Drive on the western boundary of the site is to be narrowed from what exists today, I believe this is illegal under the Essex Act section 13 the minimum width required for fire engine access is 3.7 metres kerb to kerb.
- Traffic in this area is already a severe issue, particularly along the Eastwood Road and heading towards Rayleigh Weir. At peak times it is already busy and often congested. Adding a development of this size will inevitably increase traffic, which I believe the current road network will certainly struggle to cope with.
- Restricted view of Eastwood Road when exiting The Drive, which has the potential to become an accident black spot.
- Allowing a development of this size will put pressure on local roads
- There are no proposed upgrades, junction improvements, or traffic-calming measures to mitigate these impacts. As a result, the development fails to meet sustainability and safety considerations required within the NPPF.
- The Road junction is not capable of handling safely that amount of vehicles it's an accident waiting to happen. Too many Houses for a small road.
- The Entrance to the site is too close to a major road through the Eastwood Rayleigh borders.
- The Drive is an unmade road with no footpath for pedestrians. With approximately 200 Cars in and out of this single road site with very poor access for Bin lorries, fire engines or Ambulance. This becomes major safety problems.
- The scale of development, with access via a single junction onto The Drive and Eastwood Road, would significantly increase traffic. Given existing conditions, particularly on Limehouse Hill, this raises serious concerns regarding congestion and highway safety, contrary to NPPF paragraph 115.
- Strongly object to the proposed pedestrian access to the site at the end of Southwood Gardens. It will create a rat run. There is already a public footpath that goes through to Warwick Road from Rayleigh Avenue. The builder could upgrade this under section 106 notice and this would provide better and safer access with no need to go through private land at the end of the close and damage our peace and security.
- A development of 142 homes will generate a significant increase in traffic movements on what are already very constrained & congested local roads. In addition, the application appears to make insufficient

provision for visitor parking (c.10 spaces), which will inevitably result in vehicles spilling onto surrounding streets, creating road safety hazards and congestion.

- The proposal fails to demonstrate that safe and suitable access can be achieved for all users and would result in a material and unacceptable increase in risk to highway and pedestrian safety.
- The proposed pedestrian access into Southwood Gardens is fundamentally inappropriate and should be removed from the scheme, irrespective of any decision on the wider development.
- Southwood Gardens is a quiet, enclosed cul-de-sac that has been designed and functions as a private residential environment with no through-route. The introduction of a pedestrian link would fundamentally alter its character by creating an artificial thoroughfare serving a separate housing estate. This represents a clear and unjustified intensification of use in a location that is neither designed nor suitable for such a function.
- We are suspicious over the suggested provision of pedestrian access points. Why would these be needed? Are the occupiers intending to park their cars in nearby streets - including Southwood Gardens- which is already oversubscribed with parked cars as many of the houses here have more than one car. Or, if first established as pedestrian access, will it be thought easier to adapt the entrances for vehicles too?
- The road layout, changes in levels and limited visibility- particularly when travelling uphill towards Rayleigh- make it difficult for drivers to see clearly, especially during certain times of the day when the sun is low.
- In addition, increased footfall from new residents will impact The Drive and the established badger sett and the transport assessment does not provide a robust assessment of existing road conditions, peak hour flows, or the cumulative impacts of the proposed development. This undermines the credibility of the applicant’s transport evidence and raises serious doubts about the suitability of the scheme.
- Moreover, it is worth noting that the cumulative effects of increased traffic and development will likely exacerbate existing problems such as flooding, disturbance to local wildlife, and the erosion of the rural character of the unadopted part of Warwick Road. These concerns have not been adequately addressed in the application and further highlight the risks of proceeding without comprehensive mitigation and proper community engagement.
- The scheme also highlights inadequate planning for sustainable drainage, risking potential flooding of both the site and surrounding areas.
- That junction is situated towards the top of Limehouse Hill and is on a bend in the main road. At peak times, traffic volumes on Eastwood Road are already high. In my view, enabling a large number of additional vehicles to use the junction will create further interruption to traffic flow and potentially increase the likelihood of accidents, to vehicles, cyclists and pedestrians using that part of Eastwood Road. Additionally, there is the potential for increased pollution arising from

standing traffic waiting to use the junction from the proposed development at Limehouse Nursery.

- As members of the Southwood Gardens Residents Group, we strongly object to any intensification of use or development at the Limehouse Nursery site on the grounds of unacceptable impacts on highway safety and severe cumulative impacts on the local road network, as defined in NPPF Paragraph 115. The proposed development fails the safety test in NPPF Paragraph 115. Evidence from the Essex Collision Map and the Council's own Highway safety reports confirm that The Drive/Eastwood Road junction is substandard. Any intensification would exacerbate existing visibility failures and create a severe risk to vulnerable road users, particularly for cyclists and pedestrians who lack dedicated infrastructure on this unmade road. Under Section 38 and Section 278 of the Highways Act 1980, the development appears non-compliant with the Manual for Streets guidance, which is often adopted as policy. As a private, unmade road, it is unlikely to meet the structural requirements for adoption. I suggest that the applicant prove that they have sufficient control over the private land to enable them to carry out the necessary improvements that would be required.
- These hazards are already a documented reality: emergency fire appliances and ambulances are unable to navigate or safely turn within the street fundamentally compromising public safety and failing the 'safe and suitable access' requirements of NPPF Paragraph 114. The Council's own municipal waste vehicles are frequently unable to reach the end of the close, necessitating manual intervention and blocking the road entirely. The most recent event was an ambulance struggling to get through parked cars (owned by residents) to reach the house where they were needed in a medical emergency towards the end of summer last year. Heavy Goods Vehicles (HGVs) and delivery vans are regularly forced to perform dangerous multi-point turns using private driveways due to the lack of space. This causes property damage and creates a 'blind-spot' hazard for pedestrians and households
- Pedestrian Link and viable alternative. We strongly oppose the proposed pedestrian access into the site from Southwood Gardens, breaking through a wildlife habitat, and fundamentally changing the quiet residential amenity of the Close. This proposal creates access to Southwood Gardens that compromises our security and violates Secured by Design principles. The prospect of many unknown people using Southwood Gardens and Rayleigh Avenue in the absence of properly designed and planned parking on the development, will mean significantly more parked cars and pedestrians. This is a direct violation of privacy, will create unwanted noise and distraction and attract unsustainable additional traffic to Southwood Gardens and Rayleigh Avenue, which as previously discussed are already overloaded.
- At times current on-street parking of residents already restricts the road width to less than 3.7 meters (the minimum required for a fire engine) and there have been times in the past where I have had to knock on doors asking people to move their cars to allow an ambulance to get through to an elderly neighbour.

- It clearly violates the ‘Security by design’ principles by putting the security of the properties in Southwood Gardens at risk.
- The proposed play area on site at the end of this proposed pedestrian access has no planned parking area thus leaving visitors to park on nearby residential streets with Southwood Gardens and Rayleigh Avenue being the obvious nearest places.
- Another solution for pedestrian access would be to force the developer to upgrade the existing public footpath that runs along the back of my property from Rayleigh Avenue to the proposed new development by improving the surface and installing lighting as a Section 106 condition rather than damage our street. Although this would be a better option than creating a footpath across the front of my property, I do think it there is a risk that this option would still create a further security risk to the local properties like mine that back onto the footpath. Not only this but the additional noise created by frequent use of this path especially at night would create statutory nuisance.
- Parking visitors and The courts which are both sets of flats lack sufficient parking. There is only 8 adequate potential visitors parking spaces allowed with another 5 very questionably places on the corners of side roads. The parking in the courts seem greatly insufficient especially being that only 1 space per flat has been allocated. More importantly only 3 potential disabled visitors parking spaces have been allocated this falls massively short of the recommended government guidelines of 5% meaning there is 4.1 visitors disabled space not allowed for. 2009 Essex parking guidance standard which has been used is now withdrawn and replaced in 2024 with new updated parking guidelines.
- The proposal to change layout of The Drive where the main site vehicle entrance will be has had very little cogitation to it. Being that there are several businesses using The Drive two of them operating their own lorries down this road. This planned layout will make it a lot harder for drivers to enter Eastwood Road than how they currently do so. Counting the fact of possible additional danger exit the drive on to the new proposed layout for pedestrians and pavement damage from the tight road layout. Finally, the layout has completely over looked, the fact that the current part of road outside 401 main entrance is used as a vehicle past for any on coming traffic down The Drive as this is a single track road.
- Current residential plus business vehicles using The Drive that are not link to the site in question have not been taken into account for in the traffic assessment. As a long standing resident I can vouch that the junction onto Eastwood Road has got harder over the year with the increasing traffic as due to the incline of the Eastwood Road going westbound makes visibility marginally restricted. These two factors plus the additional 37 vehicles am peak and 32 vehicles pm peak this junction design will become not only a nuisance for current residents but the proposed site residents.]
- Lead to over spill parking in Southwood Gardens, making it difficult or nigh on impossible for any emergency vehicles to attend the houses in our cul-de-sac.

- There is a completely viable alternative for access in the form of an existing public footpath to the North of the site, running between Warwick Avenue to Rayleigh Avenue. We respectfully suggest that the developers should be forced to upgrade this path as one of a number of Section 106 agreement conditions, with new lighting, a better surface for walkers and the disabled, and removing overgrown vegetation and bushes to provide a secure and safe access route for pedestrians wishing to enter the Limehouse Nursery site.

Layout and design issues

- Note the build takes the developers just under any obligations to provide amenities such as schools, doctors, children's nurseries. It is currently extremely difficult to find doctors appointment and vacancy in pre- school. Understand there are other proposals within a few miles of this project. Surely one must plan these amenities first.
- Will be overlooking the houses on Rayleigh Avenue
- The quality of the design that faces the Eastwood Road is not of sufficient quality for the threshold location between Rayleigh and Southend
- Plans for 2.5/3 storey apartments along the South Eastern edge will cause privacy issues to neighbouring homes and are totally out of character for this area which is mainly single storey low density homes. No landscaping has been proposed to hide the huge apartment block from the view of the current neighbours which currently have a pleasant view of the green belt woodland which has a Rochford Council Tree Preservation Order on it therefore the apartment must be opposed.
- For residents, this proposal feels out of scale, unsustainable and harmful to the area we live in.
- I also feel the development is too high density causing loss of amenity for surrounding neighbours, 142 homes approx. 4 persons to each home, approx.. 568 people and a possible 300 cars ! Causing a substantial reduction in enjoyment and comfort by the construction of a new development, reduced privacy, increased noise, increased pollution with a high density of occupancy, encroaching onto our well established quiet cul-de-sac.
- The scale of the proposed dwellings presents a serious risk of overlooking existing neighbouring properties particularly on the South Eastern side of the development where there are 3 storey dwellings proposed.
- The proposed buildings, by virtue of their height, would cause an unacceptable loss of privacy to those residents on Rayleigh Avenue through the direct overlooking of private gardens and habitable rooms. This directly conflicts with Policy DM1 of Rochford's adopted Development Management Plan, which requires that development does not cause unacceptable harm to the amenities of neighbouring properties through overlooking or loss of privacy.
- Whilst I understand the need for additional housing projects and would say I am not totally opposed to this development, I have concerns on

that some property's are 2 storey. I feel that as these properties may indeed overlook existing properties (which I am one of many) I consider this may be an encroachment of our privacy, and so I would object too. Surely there are so many properties being considered for this application that the need for 2storey properties is not necessary and does not fit well with the surroundings, bearing in mind we are already losing open space and woodland.

- The proposal represents a clear overdevelopment of the site. The density, scale and layout would result in a cramped and urbanised form of development that fails to reflect the established pattern and grain of the surrounding area.
- Critically, this concern is reinforced by the environmental constraints of the site itself. The applicant's own supporting documentation (including ref: 1960-ESRMP-SCN-RP-A-90-101-A1-PL01) identifies ecological features, trees, and landscape constraints which inherently limit the site's capacity.
- The scale and density of the proposal do not align with the character of the existing area. The development would appear out of place and would negatively affect the local environment and community.
- The draft plan proposes two 3 storey apartment buildings along the South Eastern boundary, between Southwood Gardens and Warwick Road. Those buildings will directly affect the privacy of my home and that of my neighbours. In my view, the height of those buildings is entirely out of keeping with existing nearby properties, several of which are single storey bungalows.
- There are currently no plans for illustrative bungalow type or apartment type to show elevation/floor plan. These are the key buildings going into areas The Lanes/The Courts which all bordering onto the neighbouring properties. I know this is only outline planning but considering two other house types have been provided this is critically unsettling as these are the key buildings next to the already residing residence.
- As an outline application, key matters including scale, appearance, and landscaping are reserved. This limits the ability to properly assess the full impacts of the development, particularly in relation to design, visual impact, and environmental effects.
- Given the scale and sensitivity of the site, the application is premature.
- Firstly, the proposed three-storey elevation would result in a substantial loss of sunlight hours. This overbearing structure would also lead to a serious loss of privacy, directly affecting my quality of life.
- The proposal includes a Play Area (LAP) at the north west of the site which is near the proposed cut-through (pedestrian link) to Southwood Gardens. As members of the Southwood Gardens Residents Group we strongly object to this placement.
- Increase footfall and congregation in the area
- Encourage anti-social behaviour, including loitering, intimidation, littering and vandalism
- Pose risks to residents' safety, property, and local wildlife There is already evidence in nearby parks of underage drinking and drug-

related activity, which has caused nuisance and damage. This proposal risks replicating those issues in a residential setting.

- Flat Proposal at the North West end of the site. This is out of character of the area and takes in no consideration for the residents in Southwood Gardens being overdominant and overlooking that will also give rise to noise and disturbance. Yet again there is inadequate parking.
- There are already on going building of flats on the Rayleigh Road, with another proposal agreed for flats to be built on the BP petrol station site. Therefor we can see no beneficial reason to building the proposed flats on Limehouse site it would certainly put more strain on the local infrastructure and services.

Ecological issues

- Site has been cleared with total disregard to local residents and wildlife
- felling of protected Lawson Cypress trees
- disturbance to wildlife
- although permission was seemingly given to fell some trees this has been greatly exceeded by cutting down almost all the trees and the woodland area has been destroyed entirely. This was a site much loved by local wildlife. As residents of Southwood Gardens, we were always aware of families of foxes and badgers that had established homes in the woodland area. Setts and dens were destroyed without compunction and trees felled with no thought for the consequences. We know the Forestry Commission became involved and required new trees to be planted to replace those cut down. We do not know however, if this was ever carried out. We do know that we are now forced to live without the variety of birds living in the trees. Woodpeckers, wood pigeons and even Herons were frequent visitors and all this gave the close an air of sanctuary.
- The land and surrounding area support a wide range of wildlife. Locally, we regularly see:- newts- bats (especially in the evenings)- badgers- deer and muntjac moving across the land and through nearby gardens- adders – Slowworms. We also regularly see and hear a variety of birdlife in and around the site, including:- woodpeckers- owls (particularly at night)- robins, blackbirds and thrushes- doves- birds of prey such as kestrels and buzzards overhead This clearly suggests that the area supports a healthy and active local ecosystem, rather than just unused open land. There are also several ponds very close to the site (roughly 150 metres away), with others within a wider area. From what I understand, ponds within around 500 metres need to be considered when assessing great crested newts, which are a protected species. Given the ponds and the fact that newts have been seen locally, I believe there is a strong possibility that this land forms part of a wider habitat network. In my view, this needs proper investigation before any development is considered. At the moment, it does not feel like this has been fully addressed.
- Once lost, this kind of natural corridor cannot ever realistically be replaced.

- Worried about losing the magnificent trees that are behind my property. We moved to the area last year from Thurrock which is a concrete jungle and it seems as if this lovely area will go the same way unless the council is careful.
- Land and trees in SE corner have Rochford Council Tree Preservation Orders and yet the Proposed plan shows new apartments and infrastructure to be built here.
- The site forms part of a wider green corridor that supports wildlife and biodiversity. Development at this scale risks: Loss and fragmentation of habitats Disruption to protected and priority species Long term reduction in local biodiversity Any mitigation proposed is unlikely to fully compensate for the permanent loss of undeveloped Green Belt land.
- Constant burning of rubbish from this site and brought in from elsewhere ,over the years with fire services called out on many occasions. The last time being 24th February 2026 near midnight.
- Our fresh air our oxygen being taken away could cause ill health for many in the long run putting more pressure on our NHS.
- The proposed dwellings will have an impact on our personal space as we have lived here for 9 years and originally bought the property as it overlooks beautiful trees and a space which was regularly frequented by wonderful wildlife such as Badgers, Foxes and their cubs and gorgeous Deer. This is the case for most of our neighbours too as they are all complaining that the beautiful outlook they once had has now been turned into an eye sore.
- This is particularly relevant in light of the mandatory Biodiversity Net Gain requirements introduced under the Environment Act 2021, and Rochford Council's own Local Wildlife Site Review which acknowledges the ecological sensitivity of the district.
- The applicant’s own ecological documentation confirms the presence of ecological constraints, including a pond and habitats capable of supporting protected species, and identifies the site as lying within the Rochford Green Wedge.
- Parts of the site are subject to Tree Preservation Orders, and the eastern boundary forms an established green corridor. The NPPF (paragraphs 180 and 185) requires the protection of valued landscapes and biodiversity.
- The proposal risks harm to protected trees and would result in habitat loss and fragmentation, contrary to policy.
- The scale of development proposed indicates that these constraints have not been properly accommodated, and that the site is being overdeveloped relative to its environmental capacity.
- The document notes a lack of comprehensive ecological surveys, particularly regarding bats and badgers, which may lead to unintended harm to protected species The application does not provide sufficient mitigation measures or demonstrate a net gain for biodiversity, despite the presence of an active badger sett and other sensitive habitats.
- The proposals also lack adequate provision for green infrastructure, contrary to policy requirements and local expectations. The amount of retained Green Belt land is substantially less than the local plan

envisaged, with adverse consequences for the natural environment and community wellbeing.

- The ecological baseline information submitted with the application therefore clearly establishes that the site has the potential to support amphibian populations and forms part of a wider ecological network.
- Photographic evidence dated 21 February 2026 confirms the presence of an amphibian species (newt) within a residential property in Southwood Gardens. The appearance of this species within a domestic setting strongly indicates displacement from nearby habitat, likely associated with the application site, particularly given the proximity of the pond and identified ecological features.
- When considered together, the applicant's own ecological assessment and this site-specific evidence provide a clear and credible indication that amphibian populations are present and may already have been adversely affected.
- There has been systematic habitat destruction ongoing for several years in a clear attempt to get the land downgraded to grey belt. As a small community, we have been privileged with a number of badgers living near us for many years. There has been a Badgers' sett on the ground adjacent to our Close for a long time, but we have had several events taking place over the last 3-4 years with the owners of the land at Limehouse Nursery, many of which have been reported to the Council's planning, customer services, environmental health teams, the police and the fire service. Unfortunately, due to the fragmented and uncoordinated nature of the various agencies, there seems to be no central record of complaints across these agencies and therefore no single agency having accountability to the public or any of these agencies taking any significant responsibility for the blatant ongoing vandalism to the environment and ecosystem.
- Trees subject to tree protection orders have been felled.
- The landowner has systemically cleared the site to remove evidence of protected species. This destruction first started in September 2019 when the land owner systematically lopped whole trees down showing no regard for where they landed. This was also when TPO's were placed on significant trees.
- Fast forward 6 years and the process has been repeated. From September to December 2025, the land was bulldozed again removing any habitats that had be recreated and felling any trees that had started to regrow.

Drainage issues

- Soakaways are not being connected to the main drains to save money and will go to lake to disperse. But in wet winter will flood area such as what happened in Wickford. Who will be responsible after developer and land owner have left ?
- A number of homes in the area do not have mains sewerage and some have to have pumps. Understand local sewage works are at capacity so question where the waste form development and others will go ?

- The submitted Flood Risk Assessment identifies potential risks to properties downslope. The reliance on a detention basin introduces uncertainty and potential failure risk. The proposal fails to demonstrate compliance with NPPF paragraphs 173 - 175, which require that development does not increase flood risk elsewhere.
- The land currently absorbs water naturally. If it is built on, that will change, and concerned about increased surface water and pressure on drainage systems, as well as the effect on the ecosystem in this area.
- There is currently no risk of flooding in this area unless the development proceeds.
- There is a lack of clear, detailed evidence demonstrating that existing mains sewerage infrastructure has sufficient capacity, whether Local water supply can sustainably support the development and whether increased surface water runoff and pollution risks can be effectively managed. Given ongoing concerns around sewerage capacity, water stress and environmental pollution across the district, these issues must be fully resolved before any approval is considered.
- Many residents already experience issues linked to drainage, water capacity and pollution, and there is no clear reassurance that these problems would not get worse.
- The brook at the bottom of this hill has history of flooding.
- The proposal fails to demonstrate that flood risk can be adequately managed and gives rise to a risk of increased flooding affecting neighbouring properties.
- This conflicts with The Core Strategy approach to flood risk
- The Rochford Development Management Plan (Flood Risk and Drainage sections) NPPF Section 14
- There is also further legislation under the Flood and Water Management Act 2010, which should protect from a development creating an increased flood risk, as it is likely that this land lacks a formal “Sustainable Drainage System”. With the addition of 142 homes, new access roads and paving, there is a likelihood that this will create significant surface water drainage issues, affecting properties at the bottom of the site, existing homes on Eastwood Road and the highway itself.
- No evidence from Essex and Suffolk water to show whether the existing system can take this size development proposed foul and storm.

Other issues

- Was told there was no planning application and five enforcements against the owner but since learned that there was an application submitted in October 2025 and have been completely lied to and blindsided by the planning department ..it’s disgraceful.
- the scale and impact of the proposal may adversely affect the value and desirability of surrounding homes.
- Local infrastructure is already under significant strain. Schools in the area are operating at or near capacity, and this development would

place further pressure on education provision. Similarly, local healthcare services, including GP surgeries and dental practices, are already stretched, and the increase in population would worsen access to these essential services. Parking is another serious concern. The area already experiences limited parking availability, and the proposed development does not appear to provide adequate provision for additional vehicles, which may lead to increased on-street parking and further congestion.

- Surely opportunity to retain some of the existing businesses in a mixed development and so save jobs ?
- purchased our property because of its peaceful position
- noise and disruption from construction work and ongoing use
- Other proposals in the area such as 28 units to the former BP petrol station adding to the strain on the local area
- Impact on services such as doctors, dentists and schools already over stretched
- Loss of wildlife habitat
- This proposed development is SO wrong on so many levels, you are destroying the livelihoods of all the business owners and employees on the existing site. You can not build surely a large housing estate with ONE semi blind entrance and exit onto an already extremely congested Eastwood Road ..! This is madness
- Unsustainable Pressure on Local Infrastructure.
- Local infrastructure is already stretched, and this development would place additional pressure on: Schools and healthcare provision Public transport capacity Community facilities There is insufficient clarity on how the necessary infrastructure improvements would be funded, delivered, and phased to support development of this scale.
- Taken together, the cumulative impacts of increased traffic, infrastructure pressure, environmental harm and loss of Green Belt land render this proposal unsustainable and contrary to the principles of responsible development
- We are also concerned about the noise of all this work being so close to our road and how privacy will be kept for our close when we have always had lovely beautiful trees at the end of our road
- Loss of thriving industrial units which provide much needed services to the local community.
- Increased pressure on local NHS services, doctors surgeries, hospitals and dentists, which we are given to understand are running at breaking point now.
- I live at 395 Eastwood Road, just 2 houses up from the proposed development. My neighbour at 393 Eastwood Road has received notification of this planning application, we at 395 or my other neighbour at 397 have not??? The plans appear to be on an out of date map? There used to be one house at 395 Eastwood Road, there are now two (395 and 397). Please let me know why both me and my neighbour have not been notified. Hopefully the plans overall have been based on an to date map. Once we have had official notification we can consider possible objection(s)

- Insufficient School Capacity Local schools are already operating at or above capacity, with many parents struggling to secure places for their children. Adding 142 new homes likely to bring a substantial number of additional families and will place unmanageable pressure on an education system that is already overstretched. No new schools or expansions have been proposed alongside this development. There is no evidence that the local education authority can absorb the additional demand. Without firm, funded, and deliverable plans for educational provision, the development cannot be considered sustainable under the National Planning Policy Framework, which requires adequate infrastructure to support new housing.
- Significant Pressure on Local Infrastructure Over recent years, numerous additional dwellings have already been approved and constructed in the area. However, this growth has not been accompanied by corresponding investment in local infrastructure such as: Healthcare services Public transport Utilities Community facilities The cumulative impact of previous developments has left essential services strained. Approving yet another large-scale development without addressing these deficits will worsen the situation and undermine the quality of life for existing residents.
- Lack of Evidence of Sustainable Planning Overall, the application does not demonstrate how the existing overstretched infrastructure , schools, roads, healthcare, utilities, and community services can absorb the significant additional pressures this development will create. A development of this scale must be supported by robust, deliverable infrastructure plans. At present, these are absent
- The burying of ASBESTOS on this site is a serious environmental hazard breach
- If building is passed ,concerns about noise and air pollution CAN WE TRUST THIS BUILDER.
- There is already a major problem with this site with unauthorised business activities and a history of enforcement notices still to be acted upon.
- The 401 site has become a meeting place for the local community to meet up for a bite to eat and a catch up with friends. How can it be better for the local community to replace this with more houses and more pollution, where instead of a nice place to meet they get to look at more buildings.
- We back onto the Lime House site and I have complained on numerous occasions about the noise and inconsiderate behaviour that we all have to endure from this site, so it would certainly affect my anxiety levels to have an already stressful experience heightened to months of building works and noise.
- The development, if approved, would result in the closure of a number of businesses at the 401 site including a thriving café & a gym both of which serve the local community and contribute to the economic and social fabric of this area. The loss of these businesses would represent an irreversible harm to local employment and community services. Under the National Planning Policy Framework (NPPF), planning

decisions should support existing businesses and prevent the loss of valued local facilities.

- We note that the planning notice was removed almost immediately not giving people an opportunity to read it.
- I chose to buy my property in The Drive in order to enjoy the peace and quiet it affords so totally oppose this application.
- The proposal therefore fails to demonstrate that it would form a sustainable development supported by appropriate infrastructure.
- In accordance with the statutory requirement to determine planning applications in line with the development plan, the proposal cannot be supported.
- Under Article 8 of the Human Rights Act 1998 (right to respect for private and family life) and the policy code from Rochford District Council's Core Strategy (Policy CP1) as existing residents of Southwood Gardens, our rights to private and family life must be upheld. Therefore, we expect that the Council will ensure that any proposed development on this site does not create an undue adverse impact on the amenities for us as existing nearby residents.
- Limehouse Nursery is still facing enforcement action from Rochford District Council for unauthorised vehicle sales and office sites that the council deemed to be "inappropriate development" for metropolitan green belt land. Enforcement notices at this site date back as far as 2006, with several planning breaches for a variety of issues. This unauthorised activity and the resultant enforcement processes, which are still ongoing, require significant council resources, in terms of highly qualified, experienced staff and experts, costs for legal advice and expertise and significant amount of administrative work for council officers. The most recent enforcement actions alone are estimated to cost the Council, and by extension, us as taxpayers, tens of thousands of pounds. This represents a significant financial burden even before historic enforcements and the additional costs of processing the current planning application on are factored in. The 4–5-month long campaign of large-scale unlicenced bonfires constitutes a Statutory Nuisance, demonstrating a total lack of regard for the Clean Air Act 1993 and the health of neighbours. Several of the residents have health issues, which has made things extremely difficult for them to go about their daily lives with this level of air pollution. These fires were a combination of recently cut down trees and vegetation, a variety of waste, including parts of old sheds that had suspected asbestos roofing materials, plastics and the potential for other unknown toxic materials, which seem to have been moved around the entire site by a number of large diggers and other plant vehicles. Given everything the neighbourhood has observed, I expect it is highly unlikely that a D7 or other exemption on were applied for from the Environment Agency. Conclusion, the cumulative weight of the Localism Act 2011 and the Ministerial Statement on Intentional Unauthorised Development leads us to conclude that this application be viewed through the lens of the applicant's documented history of non-compliance, at significant costs to the Council, and therefore to us as taxpayers. Given the ongoing lack of regard for the surrounding community, characterised by

repeated illegal environmental destruction, toxic air pollution, and unauthorised land clearance, it is clear that this developer cannot be trusted to manage a major construction site in a responsible or safe manner.

- The site has historically been used as an industrial scrap yard, which raises a significant risk of land contamination. No sufficient evidence has been provided to demonstrate that the land has been properly assessed, remediated, and made safe for residential use. This presents potential risks to both future occupants and the surrounding environment.

EQUALITIES AND DIVERSITY IMPLICATIONS

1. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

· To eliminate unlawful discrimination, harassment, and victimisation.
· To advance equality of opportunity between people who share a protected characteristic and those who do not.
· To foster good relations between those who share a protected characteristic and those who do not.

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

3. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

Relevant Development Plan Policies:

National Planning Policy Framework (2026) – Policies: GB1, GB6, GB7,GB8, DM3, L1, L3, HO5, HO7, HO9, HO8, DP3,N3.

Rochford District Council Local Development Framework
Core Strategy Adopted Version (December 2011) – Policies: CP1, H4, H5.

Rochford District Council Local Development Framework
Development Management Plan (December 2014) Policies: DM1, DM3, DM25, DM27 and DM30.

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

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

The Essex Design Guide (2018).

RECOMMENDATION: REFUSE for the following reasons;

Green Belt

1. The site is within the Metropolitan Green Belt as defined and described in The Rochford District Local Development Framework allocations Plan (2014). The proposed development would be inappropriate development contrary to Policies GB6 (paragraph 2) and GB7 (paragraph 1.g.i.) to the National Planning Policy Framework (2026). If allowed the proposed development would erode the distinct gap of open land between the eastern edge of Rayleigh and the western extent of the City of Southend – on Sea resulting in the merging of those towns undermining the wider green belt objective to restrict urban sprawl and retain the identity of those towns. No very special circumstances Have been demonstrated to outweigh the significant harm to the Green Belt.

Ecology

2. Insufficient ecological information has been submitted to allow the Local Planning Authority to determine this application. Further details of survey results, mitigation & enhancement measures are required to make the proposal acceptable in terms of additional information on habitat sites, reptiles and Priority Habitat is provided prior to determination. Furthermore, the Local Planning Authority cannot be satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. As a result there is insufficient ecological information that can allow the application to be determined positively without significant harm in terms of ecological impact. The proposal would not pass the integrity test and that it would have an adverse effect on the integrity of the designated sites under the Habitat Regulations. The development is therefore not considered acceptable in this context and should not proceed until an alternative proposal can be demonstrated to be acceptable.

Affordable Housing

3. The proposal would fail to provide sufficient affordable housing to meet local need. The proposed provision at 39.4% of the dwellings proposed would fall significantly short of the minimum 50% provision required. The proposal would therefore prove contrary to the requirements of Policies HO8 and GB8 1.ii. of the National Planning Policy Framework (2026) and Policy H4 to the Rochford District Council Local Development Framework Core Strategy (2011)

Layout

4. The proposed layout would if approved lack legibility, with a fragmented block structure and inconsistencies in the relationship between built form, landscape and movement risks creating unclear private/public spaces and front/backs relationships. Key concerns further relate to the integration and purpose of amenity and play spaces, SuDS, and the potential over fragmentation of character areas.

   Furthermore, if allowed there would be a number of garden areas significantly below the minimum area required lacking suitably sized and useable private amenity space for the reasonable outside storage, drying and recreation that future occupiers ought reasonably expect. This failing would if allowed result in a layout failing to function well for future residents to the development contrary to Policy DP3 2. a. and would fail to optimise the sites potential to achieve a well design place contrary to Policy DP3 2.e to the National Planning Policy Framework (2026)

Flood Risk

5. The application details fail to comprehensively demonstrate Run off rates calculated upon the full development site area subtracting any areas of large open space that will not be draining via the proposed Sustainable Drainage System. The application details fail to show how the existing surface water flow pathway along the eastern site boundary will be maintained and managed on site. Furthermore, as the flow path is within the area of the proposed attenuation features, it is not clear as to the size and capacity of the basins which should be sized accordingly to ensure that the features and associated drainage are not overwhelmed in times of storm. The application details fail to provide details around finished floor levels in the areas of surface water flood risk. Without such details the Local Planning Authority is not able to determine whether if allowed, the development would have the potential to lead to adverse flooding.

Flight Instrument Procedure

6. The application fails to provide a Flight Instrument Procedure Assessment to allow London Southend Airport to understand if there is any safety or operational impact of the development to operations at London Southend Airport (LSA) to flight procedures. The application fails to demonstrate details of the surrounding built environment proposed and around the site to understand if the proposed development is taller and may require additional assessment of impacts to the OLS (Obstacle Limitation Surfaces) to be undertaken. Currently the proposed development penetrates two of the OLS. Furthermore, the application does not include details of renewable energy sources and any external lighting scheme to allow LSA to assess to ensure no impact upon airport operations.

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

Application No :	26/00126/FUL Zoning: No allocation
Case Officer	Mrs. Elizabeth Milne
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	284 Ferry Road Hullbridge Essex
Proposal :	Extension and refurbishment of the existing building, remodelling and extension of the car park, external lighting, outside bar extension, landscaping and associated infrastructure following the demolition of existing extensions.

SITE AND PROPOSAL

1. The Anchor Pub is located in Hullbridge at the very northward end of Ferry Road on a prominent site facing the River Crouch. The site is bounded by Ferry Road to the west, the River Crouch and a public footpath (Hullbridge No. 9 / PROW 287) to the north, which runs parallel to the river. The Hullbridge Yacht Club is to the east and a public car park to the south. The car park to the south is the free Riverside car park, operated by Hullbridge Parish Council which provides 125 spaces used by visitors to the river, community centre, local businesses, services and facilities. A private property, 286 Ferry Road, backs onto the site in the north west corner. Immediately to the east of the application site is an existing slip way, which would be retained. To the western boundary of the site on the western side of Ferry Road are a terraced row of three listed buildings dating back to the 18th century, and 313 Ferry Road, which is also of eighteenth century origin and is grade II listed in its own right.

3. The site covers an approximate area of 5485sqm. and includes 49 parking spaces accessed from Ferry Road and a large pub garden facing the river. The footprint of the existing building is 522.8 sqm. The primary frontage of the existing pub/restaurant is looking north towards the river. The 'back of house' facilities are on the southern side of the building adjacent to the car park.

4. The site is without allocation in the Council's adopted Allocation Plan and there are no specific policies pertaining to the site in the Council's Local Development Framework.

5. The immediate locality comprises a mix of tenure including houses, bungalows and flatted accommodation. The design, appearance and scale of the nearby properties are also diverse. The Anchor is not a listed building nor is the site located within a designated Conservation Area. The site is located adjacent to the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC).

6. This application follows on from the previously approved application 20/00438/FUL, which was for the extension and refurbishment of the existing building, remodelling and extension to the car park, revised terrace and new pedestrian access and associated infrastructure following the demolition of the existing extensions. Since this application was permitted, there has been a change in ownership at the site and the new owners are looking to reduce the increase in floor area previously approved in 20/00438/FUL and create a more modest extension better suited to the location and needs of the business.

7. The proposal is designed to expand the offering of The Anchor, which offers a popular all day eating and drinking venue, close to the River Crouch, for individuals, groups and families. The success of the public house is currently limited by the lack of open plan dining space, covers and the usability of the existing space, which this application seeks to address whilst also reducing the impact that previous approvals would have had on the locality.

8. The proposed development would restore the original public house, demolishing the existing dining room to the north, revealing the 1930s core of the building. The existing gabled porch over the current side entrance would also be removed. An extension is then proposed to the east of the building. The proposal would involve the removal of 103sq m of existing floor space and the creation of 278sq m, resulting in a net increase in floor area of 175sq m.

9. The proposed new dining areas would be sited to the east of the existing building and would consist of two pitched roofed elements, separated by an area of flat roof between the two pitched roofed additions and also where the proposed extension would adjoin to the existing building. The larger pitched roofed element would be sited parallel to the river, with the smaller addition to its rear which would have the ability to function as a more intimate dining space that can open out into the rear of the garden.

10. The larger pitched roof element would have a length of some 19m, a ridge height of some 5m and a width of some 7.7m. The smaller pitched roof building would have a ridge height of some 4.5m, a width of some 6.3m and a length of some 13.1m. The small flat roof section joining the two parts would have a height of some 2.85m and a width of approximately 1m. All elements would have a large glazed element to the eastern elevation as well as the larger building benefiting from

glazing along the full length of the northern elevation. The flat roof element joining the extension to the existing building would have a width of some 1.4m and a height of some 2.85m.

11. The new dining areas are proposed to be clad externally with vertical timber cladding with a red-brown pigmented zinc to the roof.

12. As a result of the proposed works, the restaurant would be able to accommodate up to 172 covers, an increase of 55 covers on the existing situation. This increased, flexible, open plan dining area is part of a wider drive to reinvigorate the public house to ensure its on-going viability.

13. The proposed works to the car park will create two electric car charging points and 24 secure cycle parking spaces, to help promote sustainable modes of transport, along with three disabled parking spaces and four motorcycle spaces, in accordance with the parking standards guidance, while increasing the number of car parking spaces on site from 49 to 65, the same number approved in 2020 (20/00438/FUL). The changes to the public house entrance will improve the legibility, while hard and soft landscaping of the new car park and approaches to the public house will enhance the visual appearance and help to maintain and strengthen the visual screen from the adjacent 125 space car park and the yacht club.

14. The remodelling and extension of the building will create the opportunity to make more of the site's riverside location for outside dining as well as revealing the building's historic core, through the removal of the orangery.

RELEVANT PLANNING HISTORY

Application No. 87/00634/FUL: Extension to existing public house and car park to provide new bars, toilets, kitchens and stores. Application permitted.

Application No. 88/00155/COU: Change of use to children's play area, construction of car park to serve existing public house (amendment to approved scheme) and retention of access thereto. Application permitted.

Application No. 88/03008/ADV: New signs and lighting to public house and car park. Application refused.

Application No. 89/03006/ADV: New signs and exterior lighting. Application refused.

Application No. 96/00290/ADV - Display Free Standing Externally Illuminated Advertisement. Refused 25 July 1996.

Application No. 96/00048/FUL - Retain Wall Mounted Lighting, Low Level Bollard Car Park Lighting, Tree Mounted and Post Mounted Lighting, Ground Level Uplighters. Approved 03 April 1996.

Application No. 95/00595/FUL - Retention of Low-Level Bollard Lights, Post Mounted Lights, Wall Mounted and Tree Mounted Lights. Withdrawn 05 February 1996.

Application No. 95/00594/FUL - Proposed Installation of Two Ground Mounted Floor Lights and Wall Mounted Lights and Lanterns. Withdrawn 05 February 1996.

Application No. 95/00593/ADV - Display Two Illuminated and Two Non-Illuminated Painted 'Anchor' Advertisements, Illuminated Painted Board Signs (Wall Mounted), Two Nonilluminated Free-Standing Board Signs and Illuminated Free Standing Swing Signs. Approved 14 March 1996.

Application No. 95/00330/FUL - Single Storey Entrance Porch and Single Storey Rear Extension. Approved 07 September 1995.

Application No. 07/00803/FUL: Single Storey Pitched Roofed Open Structure to Provide All Weather Shelter to Part of Patio. Application permitted.

Application No. 09/00565/FUL: Construct Decking Areas and Patio Terracing, New Entrance Porch, Two x Jumbrellas, New Disabled WC, Binstore and Yard, New Windows and Doors, Pitched Roofed Barbeque Structure. Application permitted.

Application No. 10/00610/FUL: Enlarging and Enclosing Eastern Side Deck Area To Form Orangery With Folding Sliding Doors Flat Roof And Rooflights 16/00410/FUL Construction Two Storey Building To Provide 20 Bedroomed Motel, Car Parking And Landscaping. Application permitted.

Application No. 16/00410/FUL. Construction Two Storey Building To Provide 20 Bedroomed Motel, Car Parking And Landscaping. Granted 5th October 2016.

Application No. 19/01183/FUL**:** Demolish part of main building and demolish outbuilding, construct single storey pitched roofed side extensions, deck area, external lighting and re-model car park: Withdrawn 16/03/2020.

Application No. 20/00438/FUL. Extension and refurbishment of the existing building, remodelling and extension to the car park, revised terrace and new pedestrian access and associated infrastructure following the demolition of the existing extensions. Approved 25th September 2020.

MATERIAL PLANNING CONSIDERATIONS

Design

15. Policy CP1 of the Rochford District Council's Local Development Framework Core Strategy requires development to attain high quality design that reflects local character and distinctiveness. This aspiration is reflected also by Policy DM1 (Design of New Developments). These in turn are aligned with the principles of appropriate and high-quality design as set in the National Planning Policy Framework. The Council's Policy DM1 requires new developments to promote the character of the locality to ensure that the development is positively contributing to the surrounding natural and built environment. The Essex Design Guide 2018 (Architectural Details) is also a material consideration to the assessment of the acceptability of the proposed design.

16. The creation of high-quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live and work.

17. Over time various additions have been made to the original Anchor Pub building, both to the rear to increase back of house service areas, and to the northern side, to increase the amount of dining space. The most recent 2010 addition (10/00610/FUL) unfortunately blocks the prime views from the rest of the pub. This is accentuated by the fact the extension is raised by 45cms which further blocks views and obstructs level access to the prime dining area.

18. The new proposal consists of two pitched roofed elements, one with its main length facing towards the river and the smaller addition behind this.

19. The proposed extension would be situated along the same axis as the existing pub building. Views across the River Crouch would be maximised and would not block the primary aspect of the existing building.

20. The proposed extension would be sited behind the existing building when viewed from Ferry Road. The extensions would be seen from various other positions. These include views from the public footpath that runs along the sea defences parallel to the River Crouch where the full extent of the main facade would be seen across the existing pub garden.

21. Due to the reduction in height of the proposed extension when compared to the previously approved scheme, the proposed extensions would appear as more subservient additions, whilst visually different to the existing building which does not provide any particular

design reference worthy of any particular note or which it is considered any proposed extensions must follow.

22. It is considered that the proposal is acceptable and constitutes an improvement on the design of the previously approved re-development which though acceptable was more dominant in the setting.

23. Removing the recent dining room extension to the existing pub would restore its clarity and would simplify the overall composition.

24. It is considered that the proposed extension has been specifically designed to be of high quality and good design whilst responding to the opportunities and constraints offered by the site and the wider area.

25. When viewed from the west the proposed extension would be sited behind the existing building and would not be visible, the ridge height of the proposed extensions is lower than that of the existing building. It is considered that the proposed design limits the visual impact of the proposal when viewed from the northern and southern elevations. The eastern elevation would be more openly viewed and seeks to create a visually appealing elevation with a mix of timber cladding and glass.

26. The proposed development seeks to raise the quality of the design in the immediate vicinity, whilst enhancing passing views of the site from the River Crouch and the northern bank, in accordance with policy DP3 2.e to the National Planning Policy Framework (2026) (the framework)

27. The proposed extension would be separated and screened from the nearest dwellings along Ferry Road to the west, by the existing building and vegetation. The nearest dwellings to the west are separated by the 'Up River Yacht Club', the proposed extension would, therefore, be considered acceptable in terms of daylight, sunlight and not overbearing.

28. The preservation of a good standard of amenity for all existing occupants of nearby dwellings has informed the design, orientation of the fenestration and suggested opening hours. The proposed development would function well and add to the overall quality of the area by being visually attractive, creating a boathouse-feel appropriate in this riverside location, not just in the short term but over the lifetime of the development.

Impact on Heritage Assets

29. The Anchor public house is not a listed building and is also not considered to be a non-designated heritage asset. The river crossing point of the Crouch is however considered to be a non-designated heritage asset through its historic significance. Numbers 307, 309 and 311 Ferry Road are a row of 18th century cottages located on the opposite side of the road from The Anchor and are all Grade II Listed.

The impact of the proposed development on the designated and non-designated heritage assets is considered as follows.

30. The proposed extension would be modest in size compared to the previously approved 20-bedroom hotel and previously approved re-development, and would not be materially higher than the existing public house and as such it would be screened from 307, 309 and 311 Ferry Road by the existing public house building which is already set well back within its plot and would also be screened by the vegetation located on Ferry Road.

31. Therefore, it is considered that the proposed development would have no significant impact upon the setting of 307, 309 and 311 Ferry Road, given the limited inter-visibility between the properties. The impact of the proposed development on 307, 309 and 311 Ferry Road is therefore considered neutral.

32. Number 313 Ferry Road is a semi-detached 18th century cottage located on the opposite side of the road and south of The Anchor. For the same reasons as above the impact of the proposed development on 311 Ferry Road would also be considered neutral.

33. The proposed extension of The Anchor would result in the loss of some fabric but would help support the continued use of The Anchor as a viable public house and as such would outweigh any minor loss to the fabric that would occur. The removal of the more modern garden room to the front of the property would unveil the historic core of the building and aid legibility as to the evolution of the building with a clear distinction between the original and the extended public house. It is considered that the proposed extension has been sensitively designed and would sit comfortably in this riverside setting, which coupled with the rationalisation of the rear roof-scape, frontage planting and use of quality materials would result in a positive impact on The Anchor public house.

34. Essex Council Built Heritage and Conservation does not object to the proposed development.

35. It is considered that the proposed extension would not result in harm to any designated or non-designated heritage assets.

Surface Water Drainage

36. The additional parking area would provide a greater area of hardstanding on the site which would give rise to potential for a greater degree of surface water runoff.

37. The report submitted sets out that given the London Clay soils the site sits on, infiltration techniques are not viable to discharge surface water from the development, however the proximity of the River Crouch (and

the fact that part of the surface water from the existing site already goes into it) is the ideal point of discharge for the new development. Therefore, surface water from the parking areas would pass through a vortex pollution interceptor to remove contaminants ahead of it discharging the river.

38. The Sustainable Drainage Systems Design Guide for Essex states that discharges into a tidal estuary can be unrestricted. However, it also notes that evidence needs to be provided that the storm water will be suitably managed for a tidal locking scenario. To achieve this, the Essex guidance states that this should be demonstrated by showing that the surface water can be managed for a 1 in 100-year fluvial storm event plus climate change and a 1 in 20 year fluvial/tidal storm event coinciding. Network modelling has been undertaken showing that the layout proposed achieves this. The applicant states that this solution will also reduce the load on the Public foul Sewer.

39. The foul water generated by the development will be conveyed by a new gravity system around the proposed buildings before being discharged into the existing connection to the Public Sewer.

40. The drainage infrastructure will be maintained at regular intervals in order to ensure its continued and effective performance.

41. Anglian Water requested that the applicant consulted them in the form of a PPE, and consequently the applicant has submitted a Tier 2 Pre-Planning Assessment Report - Domestic Foul Water Drainage Feasibility Study. As can be seen in the replies to consultation below Anglian Water do not object to the proposal.

Commented [EM1]: Now awaiting a response from Anglian Water to finalise this. Cross check conditions with original response from AW which was submitted on 13th April. These are not included in this report.

Flood Risk

42. A Flood Risk Assessment and Drainage Strategy report has been submitted to support the application. The existing building is within Flood Zone 1, the lowest category of flood risk whilst an area of the garden is shown to be located within Flood Zone 3.

43. The objective of polices to the framework is that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

44. Policy ENV3 of the Rochford District Council Core Strategy (2011) requires that development is directed away from areas at risk of flooding and that the vast majority of development be accommodated within Flood Zone 1.

45. A Detailed Flood Risk Assessment and Drainage Strategy has been submitted as part of this application. This concludes that the main building would be above the modelled flood level and within Flood Zone 1. It has been concluded that the site is at a low (or lower) risk of flooding from these sources.

Economic Considerations

46. The framework indicates that planning policies and decisions should enable businesses to invest, expand and adapt in a way that reflects the opportunities, challenges and characteristics of different areas, and supports long-term economic growth both locally and nationally. Consideration should be given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

47. The proposed development would reinvigorate the public house while delivering skilled and unskilled employment opportunities in the district, which should be supported.

48. The development would assist in retaining the existing 30 jobs and creating up to 20 additional jobs both part time and full time.

49. The Council's Core Strategy policy ED1 encourages development that enables the economy to diversify and modernise through the growth of existing businesses. The proposed development would allow an existing business to expand its offer by providing a larger more ergonomic dining space which would be able to accommodate up to 172 covers (not including bar areas) an increase of 55 covers. This increased dining area and function space is part of a wider drive to reinvigorate the site as a destination public house.

50. The proposed development would protect and enhance the existing public house and would be considered a positive contribution to the existing business. In addition, the proposal would encourage growth and tourism to the district, in accordance with Policy CLT11 of the Council's Core Strategy, which is actively encouraged, particularly due to the coastal location of the site.

Car Parking

51. Any proposed development should comply with the standards set out in the Essex Highways Parking Standards (2024) document.

52. The parking standards would require that for a Sui Generis drinking establishment, one cycle staff space per 400sqm would be required and one visitor cycle space per 400sqm should be provided. Vehicle parking should be provided at the following ratios; vehicle 1 space per

10sqm, powered two wheeled vehicles 1 space plus 1 space per 20 car spaces with 3 spaces or 6% disabled car parking (whichever is the greater).

53. The total floor area of the existing premises is approximately 523 m2 (this is the ground floor, it is noted that it is stated on the application form that the gross floor area is 659 square metres however this includes the first floor staff accommodation).

54. On the basis of the floorspace for the Public House being 523 m2 adopted parking standard would require some 52 car parking spaces. The existing car park has 49 parking spaces and measure between 4.6m and 4.9m long and between 2.3m and 2.4m wide.

55. As a result of the proposed works, there would be a net increase in floorspace of 175sq m, increasing the total floor space to some 698sq m. The adopted parking standard would require some 70 parking spaces on this basis. The proposed parking provision would be increased by 16 spaces to provide a total of 65 parking spaces on the site, therefore falling short by some 5 spaces of the number suggested in the parking guidance.

56. The existing car park would be re-modelled to provide larger parking bays for the existing 49 car parking spaces. The existing parking bay dimensions would be increased from their current dimension of between 4.6m and 4.9m long and between 2.3m and 2.4m wide to a standardised 5.0m long by 2.6m wide to ensure that all spaces are usable, resulting in 44 spaces with these dimensions. The remaining 21 spaces would have bay sizes in accordance with the parking guidance.

57. Whilst the dimensions of the retained car parking spaces do not meet the maximum dimensions contained within the guidance, they reflect the previously approved car parking layout in 2020 (20/00438/FUL) which accepted the increase in the existing bay sizes to 5.0m long by 2.6m wide.

58. The Essex Parking Standards set out that ‘there will inevitably be some developments that will not fall into a specific land use classification used in the UK planning system. “In such cases parking provision will be considered on the development’s own merit.” Such exceptions will only be allowed when supported by a transportation assessment or transport statement. A Transport Assessment has been submitted with this application. The report concludes that given the established use of the site, the modest uplift in traffic generation, and the enhanced level of on-site parking, it is concluded that the proposed development can be safely and satisfactorily accommodated within the local highway network. The resultant increase in vehicle movements will have an imperceptible impact on traffic flows and highway safety. The County Council’s Highway Department has raised no concerns in their response to the proposal.

59. Given the significant improvement that the development would provide with regard to the current parking areas, the provision of new parking bays coupled with the sustainable and accessible location and the location of a public car park directly to the south, it is considered that the development has maximised the parking space that can be made available and would provide an appropriate on-site parking provision.

60. The cycle spaces proposed to serve the development is acceptable and a condition to secure this is recommended.

Ecology

61. Policy ENV1 of the Council's Core Strategy states that; "The Council will maintain, restore and enhance sites of international, national and local nature conservation importance. These will include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs)." Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.

62. The site is located adjacent to the River Crouch which is designated as a SPA, SSSI, Ramsar and SAC due to their importance for over wintering birds. During the construction phase, there is the possibility of noise / dust disturbance, however, this could be mitigated through a Construction Environment Management Plan which could be secured by condition.

63. An assessment of the proposals impact upon the designated sites has been submitted as part of the application and concludes that 'No significant effects are predicted as a result of the Proposed Development considering the proposed mitigation measures. All impacts are expected to be temporary and reversible in the short term. With the adoption of the recommended precautionary working methods, no significant ecological effects are anticipated on statutory or non-statutory wildlife sites, notable habitats, or protected and notable species. Additionally, the development will deliver ecological benefits by achieving biodiversity net gain, creating habitats with greater botanical diversity than those currently present on-site.

Habitat Regulations Assessment

64. A Shadow Habitats Regulations Assessment was submitted with this application and concluded the following.

65. The Shadow Habitats Regulations Assessment considered the potential for the development to affect the Crouch & Roach Estuaries

(Mid-Essex Coast Phase 3) SPA, Crouch & Roach Estuaries Ramsar Site and Essex Estuaries SAC.

66. The Screening Assessment identified potential pathways for Likely Significant Effects associated with temporary construction-phase disturbance (including noise, visual disturbance and artificial lighting) and construction-phase pollution risks. Habitat loss and habitat change were screened out as the Proposed Development is located outside designated site boundaries, will not result in the loss of qualifying habitats and will not affect functionally linked habitat supporting qualifying bird species.

67. An Appropriate Assessment was therefore undertaken to determine whether the identified impact pathways could result in an adverse effect on the integrity of the Habitats Sites, either alone or in combination with other plans and projects.

68. The assessment concluded that the Site does not provide functionally linked habitat for qualifying bird species and that the Proposed Development comprises temporary and localised works within an existing developed and operational site. Potential disturbance effects arising from construction activities will be controlled through the implementation of a Construction Environmental Management Plan and Sensitive Lighting Strategy, which will minimise noise, visual disturbance and artificial lighting affecting adjacent designated habitats.

69. Potential pollution risks will similarly be managed through the implementation of the Construction Environmental Management Plan, which includes measures for pollution prevention, storage and handling of fuels and chemicals, surface water management and emergency spill response procedures. No works are proposed within designated habitats and no changes to hydrological, tidal or sedimentary processes will occur.

70. Taking account of the avoidance and mitigation measures secured through the Construction Environmental Management Plan and Sensitive Lighting Strategy, and having regard to the conservation objectives of the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) SPA, Crouch & Roach Estuaries Ramsar Site and Essex Estuaries SAC, it can be concluded beyond reasonable scientific doubt that the Proposed Development, either alone or in combination with other plans and projects, will not result in an adverse effect on the integrity of any Habitats Site.

71. The extent, distribution, structure and function of qualifying habitats, the supporting ecological processes upon which they rely, and the populations and distribution of qualifying species will therefore be maintained.

72. Place Services Ecology have been consulted and support the conclusion of this assessment, which identifies that impacts upon the Crouch & Roach Estuaries SPA / Ramsar site and the Essex Estuaries SAC cannot be ruled out from the development alone or in combination with other plans and projects.

73. It is supported that the that impacts from Disturbance and Displacement of Qualifying Bird Features, Pollution and Changes in Water Quality, and In-Combination Effects will be avoided through the implementation of a Construction Environmental Management Plan.

74. Natural England have confirmed that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Impact on Bats

75. The impact of the proposal on protected species is a material planning consideration and policy at both local and national level relates to this matter.

76. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the certain principles such as where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

77. The Wildlife and Countryside Act 1981 (as amended) provides the main legal framework for nature conservation and species protection in the UK. All UK native species of bat are listed in Schedule 5 of the WCA. The legislation protects bats and their roosts under Section 9 of the Act, such that it is an offence to, amongst other things, intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection.

78. The report states that the trees were assessed as having no potential to support roosting bats during the habitat survey. However, the on-site building was considered to have potential roosting suitability. Consequently, a bat emergence survey was undertaken on 15 July 2025 by Logika, no bat emergences were recorded during the survey; however, low levels of bat activity were noted, consisting of two foraging common pipistrelle.

79. Following the emergence survey, it was deemed that bats are not roosting on the Site however small numbers use the proximity for foraging. No vegetation with bat roosting potential is to be affected as part of the development, the building was subject to a bat survey, whereby, there were no emergences. Additionally, there is existing lighting, audible and visual disturbance until late owing to the nature of

the development which is likely to act as a deterrent for bats. Hedgerows and trees are to be retained where possible and those lost are to be compensated for degradation of foraging habitat for bats within the locality.

Biodiversity Net Gain

80. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021. This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

81. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

82. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and get the condition discharged prior to commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.

83. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.

84. In this case the developer has indicated that the statutory biodiversity gain condition would apply and officers agree.

85. The legislation requires that some BNG information relating to pre-development habitat at the site is submitted with a planning application in order that the application can be validated. The applicant has submitted this required information. The Essex County Council Place Services ecology team have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised in this report.

86. Essex County Council Place Services Ecology have responded with the following: With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric

(September 2025) and baseline habitat map and condition assessments within the Biodiversity Net Gain Assessment (Logika Group, February 2026) Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement,

87. Officers are satisfied that the required pre-decision BNG information has been submitted and as the proposal is for development to which the statutory biodiversity gain condition would apply, recommend a planning condition to advise any future developer of the need for them to discharge the statutory gain condition prior to the commencement of development.

Trees and Landscape

88. The Council's Policy DM26 states that; "When considering proposals for development, it must be shown that consideration has been given to the landscape character of the area and the findings of the Rochford District Historic Environment Characterisation Project (2006)." The proposal does involve the removal of a small section of hedgerows and trees to facilitate the new parking spaces; however, the vegetation to be removed is of limited significance to the landscape character of the area.

89. The detailed tree survey that accompanies the submission concludes that the construction work would entail the removal of some unremarkable hedges and small trees, stating that all are unremarkable 'C' category trees, the loss of which will not noticeably affect local landscape character.

90. There is some risk of harm to the retained trees during construction, but this could be avoided by appropriate working methods. A method statement setting out measures for protection of retained trees is set out within the submitted tree report. These trees can be protected during the development by suitable Tree Protective Fencing to exclude development activity from their Root Protection Areas.

EQUALITIES AND DIVERSITY IMPLICATIONS

1. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

    - To eliminate unlawful discrimination, harassment, and victimisation.

- To advance equality of opportunity between people who share a protected characteristic and those who do not.

- To foster good relations between those who share a protected characteristic and those who do not.

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

3. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

91. The proposed development has been assessed and is considered acceptable.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: Hullbridge Parish Council has no objection.

Neighbour representations: None received.

Anglian Water:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

When assessing Dry Weather Flow (DWF) headroom at the receiving Water Recycling Centre (WRC), we apply a three-year Q90 DWF average (2023–2025), together with the flows associated with sites that already benefit from planning consent. Our DWF dataset is reviewed and updated annually in consultation with the Environment Agency. This ensures that our planning assessments reflect the most up-to-date information regarding the WRC's compliance with its environmental permit and its ability to accommodate additional flows from new development without creating an unacceptable risk of breaching environmental legislation. This approach also ensures that there is no pollution or deterioration of the receiving watercourse. Based on the

above assessment, Rayleigh-West WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Request foul drainage condition is applied if permission is granted.

Place Services Ecology:

No objection subject to recommended conditions.

Summary

We have reviewed the Ecological Impact Assessment (Logika Group, February 2026), the Construction Environmental Management Plan: Biodiversity (Logika Group, June 2026) and the Shadow Habitats Regulations Assessment (Logika Group, June 2026) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

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

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
The mitigation measures identified in the Ecological Impact Assessment (Logika Group, February 2026) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.
In addition, we have the following further comments:

Additional comments – Shadow Habitats Regulations Assessment:
We note that Shadow Habitats Regulations Assessment (Logika Group, June 2026) has been submitted with this application which sets out the likely impacts of the development upon Habitats sites.

We support the conclusion of this assessment, which identifies that impacts upon the Crouch & Roach Estuaries SPA / Ramsar site and the Essex Estuaries SAC cannot be ruled out from the development alone or in combination with other plans and projects.

Consequently, to avoid adverse effects from recreational disturbance upon the above coastal Habitats sites from the development alone, the applicant has stated that impacts from Disturbance and Displacement of Qualifying Bird Features, Pollution and Changes in Water Quality, and In-Combination Effects

will be avoided through the implementation of a Construction Environmental Management Plan:

Biodiversity.
We support the details included within the Construction Environmental Management Plan: Biodiversity (Logika Group, June 2026) to avoid impacts upon Habitats sites. As a result, it is recommended that the LPA, as the competent authority, prepares its own Habitat Regulation Assessment – Appropriate Assessment for this application, based on the conclusions of the Shadow Habitats Regulations Assessment (Logika Group, June 2026). This will allow the LPA to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Additional comments – Construction Environmental Management Plan (Biodiversity):
Whilst we support the details contained within the Construction Environmental Management Plan: Biodiversity (Logika Group, June 2026) for Habitats sites, we recommend that a finalised CEMP includes wildlife-sensitive vegetation clearance for amphibians and Hedgehog, as well as the removal of invasive Cotoneaster from site.
Therefore, we recommend that a revised CEMP: Biodiversity is secured by a condition of any consent and that this additional information is required prior to the discharge of this condition.

Additional Comments - Mandatory Biodiversity Net Gains:

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric (September 2025) and baseline habitat map and condition assessments within the Biodiversity Net Gain Assessment (Logika Group, February 2026) Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

A Biodiversity Gain Plan form (Ideally using the Government's template: https://www.gov.uk/government/publications/biodiversity-gain-plan)

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

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted

post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats:

- Mixed scrub
- Urban tree

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

Additional comments – Bespoke species enhancements:

We also support reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.
This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.
Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Logika Group,

February 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

1. **PRIOR TO COMMENCEMENT: REVISED CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

"A revised construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
This shall include additional wildlife-sensitive vegetation clearance for amphibians and Hedgehog, as well as the containment, control and removal of invasive non-native species within the site.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"
Reason*:* To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

1. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

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

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

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

Optional condition:

Management and monitoring for significant on-site enhancements should be secured by planning obligation (either at application stage or the Biodiversity Gain Condition), to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

1. **PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)**

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

. *a non-technical summary;*

. *the roles and responsibilities of the people or organisation(s) delivering the HMMP;*

. *the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*

. *the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*

. *the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*

. *details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

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

• initial enhancements, as set in the HMMP, have been implemented; and

• *habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

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

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

• *the habitat creation and enhancement works set out in the approved HMMP have been completed; and*

• *a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

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

Biodiversity Gain condition
Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.
The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

"Biodiversity Net Gain
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
• Biodiversity Gain Plan has been submitted to the planning authority, and
• the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Rochford District Council.
There are statutory exemptions and transitional arrangements which mean that the *biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply."

Essex County Council Place Services – Historic Buildings

Built heritage advice regarding a planning application for extension and refurbishment of the existing building, remodelling and extension of the car park, external lighting, outside bar extension, landscaping and associated infrastructure following the demolition of existing extensions.

The existing site is located in a residential area on the east side of Ferry Road and south of the River Crouch. It features a large public house with a tarmac car parking area to the south and west, and an open grass garden to the north and east.
The Anchor Public House is an early twentieth century building with alterations, it is not listed and is not considered to be a non-designated heritage asset (NDHA). The site is not located within a Conservation Area. Across Ferry Road is the group listing of Nos. 307, 309 and 311 Ferry Road, Grade II listed (List Entry No. 1147814). This is an eighteenth-century row of cottages, timber framed and plastered with batten decoration and red plain tiled roof. Also located next to the cottages is No. 313 Ferry Road, Grade II listed (List Entry No. 1322348). This eighteenth-century, two-storey cottage is timber framed and plastered with grey slate roof. The Supporting Planning and Cultural Significance Statement (Navigate Planning Ltd, February 2026) identifies the river crossing point of the River Crouch and the riverbank itself as NDHAs through their historic significance.

The proposals comprise the removal of more recent additions, the extension and remodelling of the existing public house to provide an enlarged dining space, changes to the public house entrance, the expansion of the existing on-site car park, providing an additional 16 parking spaces, and hard and soft landscaping of the new car park and approaches to the public house. No changes are proposed to the materiality of the existing building. The single-storey extensions would have vertical timber clad walls and red-brown coloured standing seam zinc gabled roofs.

The proposed development would be screened from the listed buildings by landscaping and the existing public house building. It would be set back behind the established building line along the River Crouch and would not result in any detrimental impact on the setting of the river crossing path and the riverbank.

In conclusion, the proposed development would result in no harm to the significance or setting of the heritage assets in the wider area; their special interest would be preserved. This would be in accordance with Section 16 of the National Planning Policy Framework (NPPF) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
If the application is approved, it is recommended that conditions require the submission and approval of:
• A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site. The development shall be implemented in accordance with the approved details.
• The external lighting scheme in its height, angle and position will not be obtrusive to its location or detract from the setting of the designated heritage assets. The external lighting plans are not to include elevated lighting, and the colour and luminosity is to be agreed by the local planning authority before works commence and to permanently be maintained as such.

• Details of all hard and soft -landscaping and boundary treatments must be approved in writing by the local planning authority prior to the commencement of any landscaping works.

Natural England:

No Objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Environment Agency:

We have reviewed the documents as submitted and we have no objection to this planning application. Further information on Flood Risk can be found below.

Flood Risk
Flood Risk Activity Permits
The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.
Application forms and further information can be found at:
https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.
Anyone carrying out these activities without a permit where one is required, is breaking the law.
Changes to the way we manage flood risk activity permit applications
The Environment Agency are moving the management of flood risk activity permit (FRAP) applications from local area teams into the National Permitting Service (NPS). This change is happening in stages and applications previously managed in Essex, Norfolk, Suffolk area are now being managed in NPS.
FRAP applications for activities that take place in this area should be sent to:
flood.permitting@environment-agency.gov.uk

Emergency Flood Plan
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.
Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of

the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

Essex Highways:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first beneficial use of the development the remodelled and new vehicle parking areas as shown on planning drawing (SK)A103, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. 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.

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Rochford District Council Environmental Health:

I have no objections or specific comments.

If the LPA feels that a condition is necessary, then the same condition form the previous 2020 permission can be used:

Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. Lighting shall be installed in accordance with the details as approved.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

Maldon District Council:

No objections.

Relevant Development Plan Policies:

National Planning Policy Framework (2026)

Core Strategy Adopted Version (December 2011) – Policies CP1, ENV3, ED1, CLT11.

Development Management Plan (December 2014) – Policies DM1, DM26.

Essex Parking Guidance (2024)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development approved shall be undertaken in strict accordance with the following approved plans: Site Location Plan ref. PL(A100) dated 13.2.2026, Proposed Sections ref. PL(A510) dated 13.02.2026, Proposed Elevations ref. PL(A500) dated 13.02.2026, Proposed Roof ref. PL(A402) dated 13.02.2026, Proposed First Floor ref. PL(A401) dated 13.02.2026, Proposed Ground Floor ref. PL(A400) dated

13.02.2026, Proposed Block Plan Parking ref. SK(A103) and Landscaping Concept Plan CP4 Rev A.

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

3. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Logika Group, February 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

   This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

4. Prior to Commencement a revised construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. This shall include additional wildlife-sensitive vegetation clearance for amphibians and Hedgehog, as well as the containment, control and removal of invasive non-native species within the site.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

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

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);

- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

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

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

6. Prior to Commencement, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

• initial enhancements, as set in the HMMP, have been implemented; and

• habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

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

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP. The Council shall only issue approval of the habitat creation and enhancement works until:

• the habitat creation and enhancement works set out in the approved HMMP have been completed; and

• a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

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

7. The tree removal and measures for the protection of trees to be retained shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment and Method Statement Prepared by S.A. Lanigan – Chartered Arboriculturist dated 29th September 2025.

   REASON: To safeguard existing tree and hedgerows in accordance with policies DM25 and DM26 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014.

8. Prior to the installation of any external extraction equipment to the building hereby approved details shall have been submitted to and agreed in writing by the Local Planning Authority; any equipment shall be installed in accordance with the details agreed.

   REASON: In the interests of visual amenity and to ensure a satisfactory appearance in compliance with policy DM1, of Rochford District Council's Local Development Framework Development Management Plan.

9. Prior to the undertaking of any soft landscaping works, details of the species type, including the height of all plants at their time of planting, planting mix and planting density, shall be submitted to the Local Planning Authority for its prior approval; details shall include tree planting.

   REASON: In the interests of visual amenity and to ensure a satisfactory appearance in compliance with policy DM1 and DM25 (to compensate for the loss of existing trees on site), of Rochford District Council's Local Development Framework Development Management Plan.

10. The soft landscaping shall be implemented in its entirety during the first planting season (October to March inclusive) following first use of the extended part of the building hereby approved. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type

(where practicable), size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity and to promote biodiversity in compliance with policies DM1 and DM27 of Rochford District Council's Local Development Framework Development Management Plan.

11. The extension hereby approved shall meet the BREEAM rating of very good.

    REASON: To ensure that the development meets the required standards of sustainable design in compliance with policy ENV10 of Rochford District Council's Local Development Framework Core Strategy.

12. Prior to the construction of the new parking area or any other hard surfaces in connection with the development, a sample or detailed specifications of any permeable paving or any retaining feature shall be submitted to the Local Planning Authority for its written approval. The development shall be implemented in accordance with such details as may be agreed.

    REASON: To ensure a satisfactory appearance in compliance with Rochford District Council's Local Development Framework's Development Management Plan policy DM1.

13. Prior to the construction of the extension hereby approved samples (or where considered appropriate details of specification and finish) of all external materials to be incorporated into the development on all external finishes shall be submitted to the Local Planning Authority for its written approval. The development shall be implemented in accordance with the approved details and permanently maintained as such thereafter.

    REASON: To ensure a satisfactory appearance in compliance with Rochford District Council's Local Development Framework's Development Management Plan policy DM1.

14. Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. Lighting shall be installed in accordance with the details as approved.

    REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance

with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

15. Prior to first beneficial use of the development the remodelled and new vehicle parking areas as shown on planning drawing (SK)A103, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

    REASON: To maximise the use of the existing car park to alleviate pressure on the off-site provision of surplus parking at peak times in compliance with policy DM30 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

16. 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. The cycle parking shall remain in perpetuity.

    REASON: To provide adequate provision for bicycle users in compliance with the Essex Parking Standards (Design and Good

17. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

    REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

18. Prior to the first use of the development approved the 2 electric car charging points as highlighted by the application submission shall be provided and be capable of functional use, in accordance with details and location which shall have been submitted to and approved in writing by the Local Planning Authority.

    REASON: To promote/support sustainable transport modes in compliance with the provisions of Policy TR2 3.d. to the National Planning Policy Framework (2026) Promoting Sustainable Transport.

19. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. This strategy should identify the connection point to the 225mm sewer at manhole 0401

located within the site boundary at National Grid Reference (NGR) TQ 81010 95491. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

REASON: To reduce the impacts of flooding and potential pollution risk.

The local Ward Members for the above application are Cllr. M. Hoy, Cllr T. Hughes and Cllr Mrs T. D. Knight.

Application No:	26/00123/FUL Zoning : MGB
Case Officer:	Mr Richard Kilbourne
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Land Adjacent The Retreat St Johns Drive Rayleigh
Proposal:	Variation of condition 2 (approved plans) of application ref: 24/00827/FUL to provide revised plans including change to external materials, changes to window and door opening sizes and positions, introduction of a porch and alterations to roof form.

SITE AND PROPOSAL

1. The application site lies to the West of St. John's drive, as well as being adjacent and to the south of the residential dwelling called The Retreat. The site is located adjacent to the residential curtilage associated with the retreat on land currently occupied by equestrian uses as well as an area of residential garden. The site consists of stables, a barn and paddocks along with covered storage and residential curtilage. Officers consider that the site constitutes previously developed land. The site benefits from a built-up frontage and is laid out with the majority of built form to the north and west of the site. The site is surrounded by open fields and paddocks with residential and commercial uses both to the North and South. The site is in the Metropolitan Greenbelt.

2. The proposal seeks permission for Variation of condition 2 (approved plans) of application ref: 24/00827/FUL to provide revised plans including change to external materials, changes to window and door opening sizes and positions and introduction of a porch and alterations to roof form.

RELEVANT PLANNING HISTORY

3. Application No. 24/00827/FUL - Demolition of the existing stables and barn and construction of 1no. single storey dwelling

with detached garage and enclosed residential garden. Form new vehicular access – Approved – 16th April 2025.

4. Application No. 83/00350/FUL - Provide new roof and raise ridge height. – Refused.

MATERIAL PLANNING CONSIDERATIONS

5. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Principle of Development

7. This application is solely a Section 73 application. Section 73 of the 1990 Act applies to applications to develop land without complying with conditions that are attached to a previous planning permission.

8. Section 73 of the 1990 Act specifically provides that an application cannot be made under this section if the previous planning permission has already expired, nor can it be used to extend the time limit within which the development must be begun. Moreover, the LPA shall consider only the question of conditions subject to which planning permission should be granted (principles of acceptability are not for consideration in this case).

9. Furthermore, a S.73 application cannot be used to vary the description of the development nor to impose any new or amended conditions that are inconsistent with the description of development – see Finney v. The Welsh Ministers [2019] EWCA. In this case planning permission was granted for (amongst other things) for "*The installation and 25-year operation of two wind turbines, with a tip height of 100m*". The application was subsequently approved with a condition requiring the proposal be constructed in accordance with the approved plans. The developer submitted a S.73 application seeking to vary this condition to substitute the approved plans with a new plan which showed the wind turbine with a tip height of 125m. The Court ruled that Section 73 could not be used to vary the original planning permission in this way as to do so

would either require a change in the description of the development to increase the height from 100m to 125m or would result in a condition that was inconsistent with the description of development – the condition would refer to a wind turbine 125m in height but the description of development would refer to a turbine 100m in height.

10. It is also important to add that the scope of a S.73 can be limitless see Armstrong v. Secretary of State for Levelling-Up, Housing and Communities [2023] EWHC 142 it was held that providing a variation is only proposed to the conditions of a planning permission and such variations neither requires a changes of description of the development nor is inconsistent with the description of development, there is no limit to the scope of change under Section 73.

11. In Armstrong, planning permission had been granted for "Construction of one Dwelling". One of the conditions attached to the permission required compliance with various approved plans. The applicant submitted a S.73 application seeking to substitute the approved plans with new plans which proposed a building in a different form and style to the originally approved. The LPA refused the application stating that it sought to completely alter the nature of the development resulting in a development that would materially differ from the originally approved planning permission.

12. However, the Court ruled that there is nothing within S.73 which limits any application to vary or remove a condition to "minor material amendments" or "non-fundamental variations". Providing that the application was limited to the non-compliance with a condition (and does not require a change in the description of the development nor is inconsistent with it) then it fell within the scope of Section 73.

13. Moreover, in granting permission under section 73 the Local Planning Authority may also impose new conditions provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

14. The general powers for Local Planning Authorities to impose conditions on the grant of planning permission are set out in sections 70 and 72 of the Town and Country Planning Act (TCPA) 1990, although statutory powers to impose conditions are set out in TCPA 1990, ss 73, 73A, 96A and Sch. 5 Pt.1. The Secretary of State (SoS) also has powers to impose conditions on Appeal in TCPA 1990, ss 77, 79, 177 and Sch. 6.

15. TCPA 1990, s.70 provides that where an application is made to the LPA for planning permission, the LPA may grant planning permission, either unconditionally or subject to such conditions as they think fit or refuse planning permission.

16. TCPA 1990, s. 72 provides that, without prejudice to the generality of TCPA 1990, s 70, conditions can be imposed on the grant of planning permission:

For regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorized by the permission;

For requiring the removal of any buildings or works authorized by the permission, or the discontinuance of any use of land so authorized, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

17. Furthermore, Paragraph 56 of the NPPF 2024 states planning conditions may be used to make otherwise unacceptable development acceptable. Moreover, para 57 states *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects"*. Building upon this is para 58 of the NPPF which enunciates that planning conditions should only be imposed where they are:

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

- In determining a s.73 application the LPA may:

  - Grant the application with different conditions;
  - Grant the application unconditionally (save for s91. S92 commencement)
  - Refuse the application.

- The principle of development on this site has already been accepted as part of application 24/00827/FUL. This is solely a Section 73 application which seeks to either vary or remove condition No.2 (approved plans).

18. According to the Decision Notice (24/00827/FUL) condition No.2 states the following:

"The Development hereby approved shall be carried out in total accordance with the approved plans: 001 Revision A (Existing and proposed location plan), 303 (Proposed ground floor layout plan), 301 (Proposed floor plan), 302 (Proposed roof plan), 304 (Proposed elevations).

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

Assessment

19. The application seeks to vary the approved plans condition to allow the substitution of amended drawings. The proposed revisions comprise alterations to the approved fenestration arrangement, amendments to the roof form, the introduction of a porch to the principal elevation and changes to the external materials palette. The key consideration is whether the proposed amendments would materially alter the character and appearance of the approved development or result in any adverse visual impacts when assessed against the relevant design policies of the Development Plan.

20. The approved scheme included glazed doors within the rear elevation of the dwelling. The revised proposal seeks to replace these doors with a window opening. Whilst this represents a reduction in the amount of glazing previously approved, the amendment would not materially alter the appearance of the dwelling or undermine the contemporary design approach established under the extant permission. The proposed opening remains appropriately proportioned and would appear subordinate within the overall composition of the elevation. Furthermore, given the limited public visibility of the rear elevation, the amendment would have a negligible effect on the wider street scene or character of the area.

21. More substantive amendments are proposed to the principal elevation. The approved plans showed four large glazed elements which contributed to a more heavily glazed frontage. Under the revised proposals, three of these openings would be reduced in scale, whilst a glazed side panel adjacent to the entrance door would be retained. The applicant's rationale is to achieve a more consistent relationship between the fenestration proposed across all elevations of the dwelling. Having assessed the amended plans, it is considered that the reduction in the size of the glazed openings results in a more balanced and coherent elevational treatment. The revised fenestration pattern introduces a greater degree of symmetry and proportional consistency and avoids the visual dominance created by the larger openings approved previously.

22. Consequently, the amendments are considered to enhance the architectural composition of the dwelling and provide a more domestic scale that better reflects the character of residential development within the locality.

23. The proposal also incorporates an open-fronted porch on the principal elevation. The porch would be constructed predominantly from timber with a brick plinth and would measure approximately 2.4m to the eaves and 3.2m to the ridge. It would project approximately 1.5m from the front elevation and would be positioned significantly below the principal roof ridge. In assessing this element, it is important to consider whether the addition would appear as an incongruous or dominant feature that detracts from the overall design of the dwelling. In this regard, the porch is modest in scale, clearly subordinate to the host building and reflects a simple and traditional form commonly associated with rural and semi-rural dwellings. The use of timber detailing and the open-fronted design ensure that the structure remains lightweight in appearance and does not compete visually with the main building. It is therefore considered that the porch would integrate successfully into the overall design and would provide additional articulation to the principal elevation without resulting in visual harm.

24. The approved scheme included a flat-roofed linking section between two principal elements of the dwelling. The revised plans seek to omit this feature and instead align the roof forms so that a continuous ridge is achieved across the affected sections of the building. This amendment is considered to represent a positive design change. The removal of the flat-roofed link simplifies the overall roofscape and creates a more cohesive and unified built form. Rather than appearing as two separate elements connected by a subordinate linking feature, the revised arrangement reads as a single, well-integrated structure. This results in a stronger architectural composition and reduces the visual complexity of the approved design. The amended roof form is therefore considered to improve the overall appearance of the development.

25. In conjunction with these changes, an additional window is proposed within the southern flank elevation. The proposed opening reflects the proportions and detailing of the revised fenestration elsewhere within the dwelling and appears appropriately positioned within the elevation. The introduction of this window does not appear contrived or excessive and is consistent with the overall design approach adopted throughout the scheme. On the opposing flank elevation, no new openings are proposed and the removal of the approved linking element similarly allows for a seamless continuation of the roof form. The absence of additional fenestration on this elevation ensures that it retains a simple and uncluttered appearance.

26. The applicant also seeks to amend the approved external materials. The extant permission authorised decorative brickwork and vertical

rainscreen cladding beneath a slate roof covering. The revised proposal substitutes these materials with a combination of facing brickwork and horizontally laid stained timber cladding set upon a brick plinth, whilst retaining the approved slate roofing material. It is acknowledged that the orientation of the cladding would change from vertical to horizontal and that the decorative brick detailing approved previously would be omitted. However, the proposed materials remain of a high quality and are considered appropriate to the character of the area. The use of facing brickwork provides a robust and traditional base material, whilst the stained timber cladding introduces visual interest, texture and warmth. The proposed palette reflects materials commonly found within the local vernacular and would sit comfortably alongside surrounding development. Furthermore, the continued use of a slate roof ensures consistency with the approved scheme and reinforces the dwelling's domestic character.

27. When considered collectively, the proposed amendments would not result in a development that is materially larger, more prominent or fundamentally different in character from that previously approved. The revisions largely comprise design refinements that seek to rationalise the fenestration, simplify the roof form and introduce a more traditional material palette. In several respects, particularly through the removal of the flat-roofed linking element and the improved proportions of the fenestration, the amendments are considered to enhance the overall architectural quality of the development. The proposal would therefore preserve the character and appearance of the site and surrounding area and is considered to accord with the design objectives of the Development Plan. As such, no objections are raised to the proposed variation.

Other Matters

28. In addition to the design considerations discussed above, it is necessary to assess whether the proposed amendments give rise to any implications in respect of other material planning considerations. Having reviewed the revised plans, it is evident that the amendments are limited principally to alterations to the external appearance of the dwelling, including changes to fenestration, roof form, external materials and the introduction of a modest porch. The overall footprint, siting and residential use of the development remain unchanged from that previously approved.

29. With regard to residential amenity, the proposed revisions are not considered to materially alter the relationship between the dwelling and neighbouring properties. The amended fenestration arrangement does not introduce any significant opportunities for overlooking beyond those already assessed and deemed acceptable under the extant permission. Furthermore, the omission of the flat-roofed linking element and the revised roof configuration do not result in any increase in the overall scale, height or massing of the development that would give rise to

additional overshadowing, overbearing impacts or loss of outlook. Consequently, the amendments would not adversely affect the living conditions of neighbouring occupiers and the proposal remains compliant with the relevant residential amenity policies of the Development Plan.

30. The amendments similarly raise no concerns in relation to internal living conditions or compliance with technical housing standards. The proposed changes do not reduce the approved floorspace, alter the internal layout in any meaningful way or compromise the quality of accommodation to be provided. The dwelling would continue to provide satisfactory levels of outlook, natural light, privacy and residential amenity for future occupants, consistent with the conclusions reached under the original planning permission.

31. No highway or transportation issues arise from the proposed revisions. The development would continue to operate as a single dwellinghouse and there are no changes to the approved access arrangements, parking provision, turning areas or vehicle movements associated with the site. As such, the amendments would not result in any material impacts upon highway safety, traffic generation or the operation of the local highway network.

32. Likewise, the proposed amendments are not considered to have any implications for ecological interests. The changes relate solely to the detailed design and appearance of the approved dwelling and would not increase the extent of built development, alter previously assessed habitats or affect any ecological mitigation or enhancement measures secured as part of the original permission. The conclusions of the previous ecological assessment therefore remain unaffected.

33. Having regard to the above, it is considered that the proposed amendments do not materially alter the planning balance established under the extant permission. The revisions are limited in scope and do not give rise to any new or intensified impacts in respect of residential amenity, internal living conditions, highway safety, ecology, impact on the Green Belt or any other material planning consideration. Accordingly, there is no planning reason why the proposed variation should be resisted on these grounds.

Equalities and Diversity Implications

34. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

    - To eliminate unlawful discrimination, harassment, and victimisation.
    - To advance equality of opportunity between people who share a protected characteristic and those who do not.

- To foster good relations between those who share a protected characteristic and those who do not.

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

36. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

37. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (August 2026).

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

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

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

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be begun before the 15th April 2028 (3 years from the date of grant of the original consent).

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans: 001 Revision A (Existing and proposed location plan), 404 (Proposed ground floor layout plan), and 304 Revision B (Proposed Elevations).

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

3. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the Local Planning Authority.

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

4. The Local Planning Authority has assessed the details submitted pursuant to Condition 4. Drawing reference 002, received on 23rd July 2025, confirms that a single Mode 3 compliant Electric Vehicle Charging Point will be provided within the detached garage serving the dwelling, subject to the availability of sufficient electrical network capacity. Where adequate network capacity is unavailable, the submitted details provide for the installation of a Mode 2 compliant charging point in accordance with the contingency provisions of the condition.

   The Local Planning Authority was satisfied that the submitted details demonstrated compliance with the requirements of Condition 4 and adequately secured the provision of electric vehicle charging infrastructure in accordance with the approved planning permission.

   REASON: The submitted details satisfactorily address the requirements of Condition 4 by demonstrating that appropriate electric vehicle charging infrastructure will be provided to serve the development, thereby encouraging the uptake of ultra-low emission vehicles and supporting sustainable development. Accordingly, Condition 4 was discharged on 18th August 2025 under application reference 25/00550/DOC.

5. The boundary treatment of each of the plots hereby approved shall be carried out in compliance with those details submitted as part of 25/00550/DOC and as confirmed by the Council's decision letter dated 18th August 2025.

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

6. The development hereby permitted shall be carried out in accordance with the recommendations and enhancement measures set out in the Flood Risk Assessment prepared by Waterco, dated December 2024, unless otherwise agreed in writing with the Local Planning Authority. All mitigation and management measures to address the risk of flooding, as detailed in the report, shall be implemented in full prior to the commencement of the development and maintained throughout the lifetime of the development, unless first agreed in writing with the Local Planning Authority.

   REASON: To manage the risk of flooding and ensure that appropriate flood mitigation measures are in place to protect the development and surrounding area.

7. Prior to the commencement of the development , the applicant shall submit details to the Local Planning Authority for the Foul and Surface drainage of the development hereby approved. The development shall be implemented in accordance with such details as may be agreed.

   REASON and PRE - COMMENCEMENT REASON: To secure proper drainage and to manage the risk of flooding and pollution.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

   REASON: To ensure continued control over the extent of further building on the site in the interests of maintaining the open character of the green belt given factors taken in to account by removal of existing built forms that have favoured the granting of permission.

9. The development hereby approved shall be carried out in complete compliance with the landscaping details as shown drawing No's 002, 003, and 004 (received by the Local Planning Authority on the 23rd July

2025) which were submitted as part of 25/00550/DOC and as confirmed by the Council's decision letter dated 18th August 2025.

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

10. The development hereby approved shall be carried out in complete compliance with the arboricultural report and tree protection plan produced by Trevor Heaps and is dated 7th October 2024 unless first agreed in writing with the Local Planning Authority. The arboricultural report and accompanying tree protection plan was submitted as part of 25/00550/DOC and as confirmed by the Council's decision letter dated 18th August 2025.

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

11. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (produced by Serious Nature and dated March 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

    This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

12. If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

    a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
    b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
    c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;

d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

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

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

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

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

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Serious Nature, March 2024) shall be submitted to and approved in writing by the local planning authority.

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

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs or product descriptions to achieve stated objectives; locations of proposed enhancement measures by appropriate maps and plans (where relevant);
c) persons responsible for implementing the enhancement measures; and
d) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

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

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

Application No:	26/00497/FUL Zoning : Unallocated
Case Officer:	Mr Richard Kilbourne
Parish:	Hockley Parish Council
Ward:	Hockley
Location:	Land Adjacent 62 Rosslyn Close Hockley
Proposal:	Proposed self-build 2-bed single storey dwelling

SITE AND PROPOSAL

1. The application site comprises the property at No. 50 Plumberow Avenue. The proposal seeks planning permission for the erection of a detached single-storey dwelling within the rear garden of the existing property, with its principal elevation facing Rosslyn Close. The development includes the creation of a new vehicular access from Rosslyn Close and associated driveway parking to serve the proposed dwelling.

2. The site is located entirely within the residential envelope of Hockley, as identified in the Council's GIS database. Properties along Rosslyn Close comprise a mix of single-storey bungalows and two-storey dwellings, constructed using a variety of materials, resulting in a varied residential streetscape.

3. The application site itself is predominantly level, laid to lawn, and contains a number of trees and shrubs. The proposal would occupy land to the rear of No. 50 Plumberow Avenue and represents an additional residential unit within the existing garden area. Access, parking, and landscaping arrangements are proposed in association with the new dwelling.

4. In summary, the application seeks consent for a detached single-storey dwelling on land to the rear of No. 50 Plumberow Avenue, with access from Rosslyn Close, within the established residential area of Hockley.

RELEVANT PLANNING HISTORY

5. Application No. 26/00001/FUL - New detached self-build dwelling house with new driveway parking to the land behind 50 Plumberow Avenue with new vehicular access off Rosslyn Close – Refused – 22nd April 2026. Reasons for refusal:

Reason 1:

“The proposed development, by virtue of its substandard frontage of approximately 8.4 metres and asymmetrical side setbacks, would result in a dwelling that is visually compressed and poorly proportioned within its plot. The extremely narrow side margin on the north-western boundary is negligible in functional and visual terms, providing insufficient space for maintenance, landscaping, or meaningful relief from adjacent boundaries. While the south eastern side margin meets the minimum SPD2 standard, the overall imbalance between the side setbacks, combined with the materially reduced frontage, would produce a dwelling that appears forced, cramped, and discordant within the established streetscene. Overall, it is considered that the development would fail to respect the prevailing pattern of plot widths, side spacing, and rhythm of Rosslyn Close, thereby eroding the openness, spatial coherence, and visual amenity that characterise the area. The proposal represents overdevelopment of the site and fails to integrate positively with its context, contrary to Policies DM1 and DM3 of the Local Plan, Policy CP1 of the Core Strategy, Supplementary Planning Document 2 – Housing Design, and the National Planning Policy Framework, which collectively seek to ensure development is of an appropriate scale, layout, and character that reinforces the local streetscape”.

Reason 2:

“The proposed dwelling, by virtue of its excessive reliance on timber weatherboarding, poor façade articulation, minimal fenestration, and inadequate separation from side boundaries, fails to respect the character, scale, and architectural rhythm of the surrounding streetscene. The development would appear visually monolithic, stark, and incongruous, providing limited engagement with the public realm or neighbouring properties. As such, the proposal is contrary to Policies DM1 of the Local Plan and Policy CP1 of the Core Strategy, which requires new development to respond positively to local character, demonstrate high-quality design, and ensure appropriate relationships with adjoining properties. Furthermore, the scheme fails to achieve the objectives of the National Planning Policy Framework (NPPF), which seeks well-designed places that are visually attractive, functionally effective, and sympathetic to local context. The development would therefore result in demonstrable harm to the visual amenity and character of the area and is considered unacceptable”.

Reason 3:

“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 SAC and SPA 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 193(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused".

Reason 4:

"The proposed development fails to demonstrate, through the submission of adequate ecological information, that it would not result in harm to protected species, priority species, or their habitats. In the absence of an ecological appraisal and supporting evidence, including site photographs and, where necessary, survey work, the Local Planning Authority cannot reliably assess the potential impacts of the development on biodiversity. As such, the proposal is contrary to Section 15 of the National Planning Policy Framework, which requires that development avoids adverse impacts on biodiversity and provides adequate mitigation where necessary. It also conflicts with Policy DM27 of the Council's Development Management Plan, which requires development to safeguard the natural environment and biodiversity interests. Furthermore, the proposal fails to demonstrate compliance with the statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. In the absence of sufficient information, and applying the precautionary principle, the Local Planning Authority cannot conclude that the proposal would not have an unacceptable impact on biodiversity, and the application is therefore refused".

MATERIAL PLANNING CONSIDERATIONS

6. 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.

7. 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 Information

8. The application seeks planning permission for the erection of a detached single-storey dwelling on land to the rear of No. 50

Plumberow Avenue. The proposed dwelling would have its principal elevation facing Rosslyn Close and would be positioned adjacent to No. 62 Rosslyn Close.

9. This application follows the refusal of a previous proposal on the site, which was refused for four principal reasons. Firstly, the Local Planning Authority concluded that the proposed dwelling, by virtue of its restricted frontage width and inadequate relationship with the site boundaries, would appear cramped, poorly proportioned and represent an overdevelopment of the site, resulting in unacceptable harm to the established pattern of development, openness and character of Rosslyn Close. Secondly, the design of the dwelling, including its architectural treatment, façade composition and relationship with neighbouring properties, was considered to be of insufficient quality and failed to respond positively to the prevailing character of the surrounding area. Thirdly, the application failed to secure the necessary mitigation contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), preventing the Local Planning Authority from concluding that the development would not adversely affect internationally designated habitats. Finally, insufficient ecological information was submitted to enable a robust assessment of the proposal's potential impacts upon protected species and biodiversity interests.

10. The current application has been submitted in an attempt to overcome these previous reasons for refusal. The applicant has revised the design of the proposed dwelling, increased the frontage width, and submitted a Preliminary Ecological Assessment prepared by ACJ Ecology dated June 2026. Furthermore, the requisite RAMs contribution has now been paid to the LPA, and this matter has now been resolved.

11. The following report considers whether the amendments made to the proposal satisfactorily address the previous reasons for refusal and assesses the revised scheme against the relevant provisions of the Development Plan, Supplementary Planning Documents and the National Planning Policy Framework.

Principle of Development

12. The National Planning Policy Framework (NPPF), August 2026, places significant emphasis on the effective and efficient use of land to meet the need for homes and other uses. However, this objective is expressly to be pursued alongside the safeguarding and improvement of the environment and the provision of safe and healthy living conditions. The effective use of land is therefore not an objective which operates in isolation, nor does it

require the maximum theoretical development of every site irrespective of its characteristics and surroundings.

13. The Framework's approach requires development to make appropriate and efficient use of land whilst responding positively to its context. In considering whether a proposal achieves this balance, regard should be had to the established character and spatial pattern of development, the relationship between buildings and spaces, the site's physical constraints and the effect of the proposed development on the quality of the resulting environment.

14. The NPPF also places significant importance on achieving well-designed, healthy, inclusive and sustainable places. Design is therefore an integral component of sustainable development rather than a consideration confined to architectural appearance. The assessment of a proposal should consequently consider whether the development represents an appropriate response to its site and surroundings and whether it would result in a coherent, functional and enduring form of development.

15. In applying these principles, particular regard should be had to whether the proposal:

- functions effectively and contributes positively to the quality of the area, having regard to its relationship with existing development, access, movement, servicing and the practical use of the site;
- achieves a high standard of design and an appropriate visual response, including consideration of scale, massing, proportions, materials, landscaping and the relationship between built form and open space;
- responds appropriately to local character and context, including the prevailing scale, form, spacing, building lines, plot pattern and relationship between buildings and their surroundings. Efficient use of land does not remove the requirement for development to respond appropriately to its context;
- creates or maintains a coherent and attractive sense of place, avoiding a form of development which would appear cramped, visually dominant, incongruous or otherwise harmful to the established character of the area;
- makes effective and appropriate use of the site's development potential, recognising that optimisation of land is not synonymous with maximisation. The appropriate intensity of development must remain responsive to the characteristics and context of the site and the need to secure a high-quality development; and
- provides safe, accessible and satisfactory living conditions for existing and future occupiers, including appropriate levels of privacy, outlook, daylight, sunlight, external amenity, noise and freedom from unacceptable overbearing or enclosing effects.

16. These considerations are particularly important where development would increase the intensity of an established residential area. The Framework supports the effective use of land and identifies opportunities for greater intensification, including through the redevelopment or intensification of existing sites. However, the Government's approach is expressly intended to ensure that increased density remains responsive to local context. The Framework's policy approach therefore does not establish that intensification is acceptable irrespective of its effects; rather, it requires development to achieve an appropriate and sustainable outcome.

17. Accordingly, the fact that additional accommodation can be physically incorporated within an existing residential plot is not, in itself, sufficient to demonstrate that the proposal represents an acceptable or effective use of land. The assessment must consider whether the resulting scale, massing, layout and intensity of development are appropriate to the site and its surroundings and whether the development would maintain acceptable standards of amenity.

18. The Framework should therefore be applied as a whole. The objective of increasing housing supply and making effective use of land must be balanced against the requirement to secure well-designed development, protect the established character and setting of places and provide safe and healthy living conditions. Where additional development would result in an inappropriate scale or intensity of development, harm the established spatial character of the area, or give rise to unacceptable effects on existing or future occupiers, those considerations may weigh decisively against the proposal.

19. In this context, optimisation of the site should not be confused with maximisation of built form. The relevant planning judgement is whether the proposal represents an appropriate and effective use of the land having regard to its particular context, rather than simply whether further development could be accommodated in physical terms. This approach is consistent with the August 2026 NPPF's objective of securing development which meets housing needs while simultaneously safeguarding environmental quality and ensuring safe and healthy living conditions.

20. At the local level, Policy H1 of the Core Strategy seeks to protect the character of existing settlements by resisting the intensification of smaller sites within established residential areas. The policy acknowledges that limited infill may be acceptable; however, this is conditional upon the proposal relating well to existing street patterns, density and local character. The critical issue in such cases is often whether the development represents a natural continuation of the

established urban grain, or whether it appears as a cramped or incongruous addition that erodes spatial standards.

21. Supplementary Planning Document 2 (SPD2) provides more detailed design guidance for housing. For infill schemes, it sets out indicative minimum frontage widths - 9.25m for detached dwellings and 15.25m for semi-detached pairs - unless a different form can be justified as being compatible with the prevailing character. These dimensions are not arbitrary; they reflect the need to maintain consistent spacing, visual rhythm, and separation between buildings. Where a proposal falls below these guidelines, careful assessment is required to determine whether it would appear out of character or give rise to a cramped form of development.

22. SPD2 also requires a minimum separation of 1m between habitable room windows and plot boundaries. This standard is intended to safeguard outlook, light, and maintenance access, and to prevent an overbearing relationship between built form and boundaries. A failure to achieve such separation may indicate overdevelopment or inadequate plot sizing.

23. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan reinforce the requirement for high-quality design that preserves or enhances local character and identity. These policies require development to demonstrate a clear understanding of its context and to respond positively to it. Policy DM3 specifically addresses infill development, requiring proposals to demonstrate that they respect existing street patterns, density, and grain, and that the number and type of dwellings proposed are appropriate to the locality. This necessitates a qualitative and quantitative assessment of whether the proposal would materially alter the established pattern of development.

24. The Council's GIS database confirms that the application site lies wholly within the defined settlement boundary of Hockley. In spatial terms, this weighs in favour of residential development, as the site is located within an area identified for growth and consolidation. However, being within the settlement boundary does not automatically render the proposal acceptable. The determining issue is whether the scheme accords with the design, character, and amenity requirements (amongst other factors) set out in national and local policy.

25. Accordingly, whilst the broad principle of residential development on a site within the settlement boundary is acceptable, the proposal must be rigorously assessed against policies relating to character, design quality, plot configuration, density, and residential amenity etc. The key consideration is

whether the development represents appropriate infill that reinforces the established pattern of development, or whether it would amount to an over-intensification that would erode the character and spatial qualities of the locality and this issue amongst many others will be outlined in subsequent sections of this report.

Housing Land Supply

26. The proposal would provide a single self-build/custom-build dwelling through the subdivision of part of the applicant's existing residential curtilage. It would therefore result in a net addition of one dwelling. The self-build/custom-build nature of the proposal is a relevant consideration in the planning balance, but does not disapply the development plan or the NPPF, nor does it establish that the proposal is acceptable irrespective of its site-specific effects.

27. The August 2026 NPPF adopts a materially different approach to decision-making within settlements from that contained in the previous Framework. Policy S3 establishes a presumption in favour of sustainable development and directs that Policy S4 should be applied when considering development proposals within settlements. Policy S4(1) provides that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by adverse effects when assessed against the national decision-making policies in the Framework. The proposal therefore falls to be assessed principally through the settlement-based policy framework in S3 and S4, rather than through reliance upon the former paragraph 11(d) formulation.

28. The site is within the defined settlement boundary. This is important because the August 2026 NPPF establishes a positive policy approach to development within settlements, reflecting the objective of meeting development needs through sustainable patterns of development and maximising the potential for growth on suitable land within settlements. However, settlement location is not determinative. The proposal must still satisfy the relevant national decision-making policies and the benefits of development must be weighed against any adverse effects.

29. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with its latest monitoring evidence indicating only 1.97 years of housing land supply. This represents a substantial shortfall against the Framework's requirement. Policy HO3 requires development plans to identify a sufficient supply and mix of sites to meet or exceed the housing requirement, including a supply of specific deliverable sites for five years with an appropriate buffer. The Council's

inability to demonstrate the requisite supply is consequently a significant material consideration in assessing a proposal which would provide an additional dwelling.

30. The housing land supply position should not, however, be treated as creating an automatic entitlement to permission. The August 2026 Framework has deliberately structured the settlement presumption differently. Policy S4 requires the benefits of development to be weighed against its adverse effects, and the fact that the Council has a substantial housing shortfall does not remove the requirement to consider whether the particular site and development represent an appropriate form of development. The statutory requirement to determine applications in accordance with the development plan unless material considerations indicate otherwise also remains applicable.

31. There is nevertheless clear national policy support for the delivery of additional housing. Policy HO7 states that substantial weight should be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community, as identified through relevant needs assessments and other evidence. The proposal would provide one additional dwelling and therefore makes a genuine, albeit quantitatively modest, contribution to housing supply. Given the Council's 1.97-year supply position, that contribution is materially relevant to the planning balance. The limited numerical contribution should not, however, be overstated: one dwelling cannot make more than a modest contribution to addressing a district-wide shortfall.

32. The proposal also has the benefit of being a self-build/custom-build dwelling. The August 2026 NPPF expressly recognises people wishing to commission or build their own homes as a distinct housing need under HO1, and policy HO5 requires development plans to identify sites capable of providing, where there is an identified need, plots for self and custom-build housing and community-led development. This demonstrates that self-build/custom-build housing is expressly recognised within the Framework as part of the range of housing needs which the planning system should address. The proposal's self-build/custom-build form therefore provides a relevant qualitative benefit beyond the simple numerical addition of one dwelling, although the extent of that benefit should be proportionate to the evidence of need and the circumstances of the proposal.

33. The proposal is also directly relevant to Policy L2, which concerns making effective use of land. L2(1)(d) states that substantial weight should be given to the benefits of creating additional homes within settlements through sensitive

redevelopment or additional development within existing plots, expressly including additional units within residential curtilages. This is directly applicable to the proposal and provides positive national policy support for the principle of bringing an additional dwelling forward through the subdivision of an existing residential curtilage.

34. Importantly, however, L2(1)(d) is not an unconditional policy in favour of residential-curtilage development. It establishes specific requirements. Such development should be consistent with the overall street scene, maintain safe access and egress and acceptable living standards for residents and neighbours, including access to daylight, sunlight, privacy and external amenity space. Where residential curtilages are used, the policy also establishes quantitative parameters concerning the extent of the development footprint and the retention of undeveloped curtilage, subject to the stated exception where additional development can be accommodated without harm to the overall character of the area, having regard also to infrastructure and the importance of sustainable locations.

35. This is particularly significant in the present case. The new Framework does not treat the effective use of land as synonymous with unrestricted intensification. Policy L3 requires development to make efficient use of land, but expressly requires regard to be had to identified housing needs, infrastructure, connectivity and the importance of securing well-designed, attractive and healthy places. Within settlements, residential development should contribute to increasing density unless there is clear justification why this would be inappropriate or not possible. At the same time, existing character must be taken into account.

36. The proposal should therefore be assessed against the specific criteria in L2(1)(d) rather than simply by reference to the general objective of making efficient use of land. The key questions are whether the additional dwelling would be consistent with the overall street scene, whether safe access and egress would be maintained, whether acceptable living standards would be secured for both existing and future residents, and whether the scale and footprint of the development would remain within the parameters established by the policy or, where applicable, fall within its exception.

37. The fact that the proposal is a single-storey dwelling may provide some additional housing choice, but this benefit should be expressed cautiously. The Framework recognises different housing needs, including the needs of older and disabled people, but a dwelling should not be assumed to meet a specific specialist housing need merely because it is single-storey.

Unless the submitted scheme demonstrates particular accessibility or adaptability features, the principal benefit remains the provision of an additional dwelling, rather than an assumed specialist housing contribution.

38. The proposal's location within the settlement also provides a positive consideration, particularly where the site has reasonable access to services, facilities and sustainable transport opportunities. However, the actual accessibility and connectivity of the site remain relevant. The planning balance should therefore be informed by the site's practical relationship with services and facilities rather than treating settlement-boundary status as conclusive evidence of sustainability.

39. Against these benefits, the proposal must be assessed rigorously against its site-specific effects. Policy S4 expressly recognises that the benefits of development within settlements may be substantially outweighed by adverse effects. In addition, L2(1)(d) specifically identifies development within residential curtilages as a circumstance in which adverse effects may justify resisting otherwise supported development. The assessment must therefore address the effect of the subdivision and new dwelling on the established pattern and grain of development, the overall street scene, scale and spacing of buildings, residential amenity, access and highway safety, and the quality of the environment created for future occupiers.

40. The housing land supply shortfall does not remove the importance of these considerations. Indeed, the structure of L2 demonstrates that the Government's objective is not simply to increase the number of dwellings which can physically be accommodated on existing plots. The objective is to secure effective and sensitive additional development which makes better use of land while maintaining appropriate character, access and living standards. Where those requirements are met, the proposal benefits from clear national policy support. Where they are not, the housing benefits do not automatically overcome the resulting harm.

41. In overall terms, the proposal attracts positive weight from the provision of one additional dwelling in circumstances where the Council has only 1.97 years of housing land supply, from its location within an existing settlement, from the use of an existing residential curtilage, and from its self-build/custom-build form. The weight attributable to housing delivery is reinforced by HO7, while the principle of additional residential development within existing plots is expressly supported by L2(1)(d). The self-build/custom-build element is also recognised within the Framework's approach to meeting the housing needs of different groups.

42. The planning balance nevertheless turns on whether those benefits are substantially outweighed by the adverse effects of the proposal under S4. The correct assessment is therefore not whether an additional dwelling is desirable in abstract terms, but whether this particular subdivision and dwelling constitute an appropriate, sustainable and well-resolved form of development within the settlement and whether the identified benefits are sufficient to outweigh any harm.

43. Accordingly, if the proposal satisfies the specific requirements of L2(1)(d), responds appropriately to the established character and street scene, provides safe access and satisfactory living conditions, and does not give rise to other significant adverse effects, the combination of the settlement presumption under S3/S4, the housing supply position, the substantial weight required by HO7, and the specific support for additional homes within residential curtilages under L2(1)(d) provides a strong policy case in favour of permission. Conversely, where the proposal fails those site-specific tests and causes material harm, the Council's housing shortfall does not prevent refusal where the adverse effects substantially outweigh the benefits.

Design

44. The achievement of high-quality design is a fundamental objective of the planning system and an integral component of sustainable development. Policy DP3 of the revised NPPF (August 2026) establishes a clear expectation that development should respond positively to its context, integrate with and enhance its surroundings, and achieve a high standard of design. The policy requires development proposals to respond to the history, character and features of the site and its setting, including through the arrangement of buildings, their scale and massing, materials and architectural treatment. It further identifies built form and identity as key principles of well-designed places, requiring development to use building form appropriately and create visually attractive, distinctive and characterful development through coherent materials, architectural features and planting.

45. Importantly, the assessment is not confined to whether a proposal would result in significant visual harm. Paragraph 3 of Policy DP3 provides that development proposals should be refused where, without clear justification, they conflict with the policy's requirements or relevant design principles and standards. Substantial weight is to be given to compliance with relevant development plan policies when assessing design quality. The appropriate test is therefore whether the proposal represents a coherent, proportionate and well-resolved addition

which responds appropriately to its context and maintains the visual quality and character of the area.

46. The assessment is therefore not confined to whether a proposal avoids significant harm; it must consider whether the development represents a coherent, proportionate and well-resolved addition that positively contributes to the built environment.

47. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).

48. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.

49. 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.

50. 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.

51. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.

Layout

52. In assessing the current application, it is necessary to compare the revised proposal against the substantive concerns that arose in relation to the previously refused scheme. The earlier proposal was found to represent an unduly compressed and contrived form of development, primarily due to the combination of a materially substandard plot frontage and a negligible 400mm side separation to the north-west boundary. That relationship gave rise to a dwelling that would have appeared visually squeezed within its plot, with insufficient spatial relief to preserve the openness, rhythm and proportion that characterise the surrounding pattern of development in Rosslyn Close.

53. The revised scheme has sought to address those deficiencies through a modest increase in plot frontage and a significantly improved relationship with the north-west boundary. The submitted site layout and cross-sectional drawings indicate a frontage of approximately 9m, with side setbacks of 1m to the south-east and 1.25m to the north-west. In contrast to the previous proposal, the north-western separation is no longer so limited as to be functionally or visually meaningless. A setback of 1.25m would provide genuine spatial relief between the proposed dwelling and the boundary, allow for practical access to the rear amenity space, facilitate maintenance of the flank elevation, and avoid the impression of a building compressed tightly against its plot edge. The revised side relationship therefore materially alters the spatial perception of the development and overcomes the principal concern that the earlier scheme would have appeared cramped, contrived and uncharacteristically narrow. Furthermore, the proposal is set slightly further back into its plot than the previously refused scheme.

54. The assessment nevertheless requires consideration of the plot frontage against the guidance contained in Supplementary Planning Document 2 - Housing Design (SPD2). SPD2 anticipates a minimum frontage of 9.25m for detached dwellings unless a convincing justification is provided demonstrating that a narrower plot would remain compatible with local character. The proposed frontage of approximately 9m therefore falls around 250mm below the guideline figure. This represents a technical shortfall rather than a substantial departure from the guidance. Importantly, the revised frontage must be considered in conjunction with the improved side separations. Unlike the refused scheme, where the narrow frontage was exacerbated by

an almost non-existent side gap, the current proposal retains meaningful space on both sides of the dwelling. The cumulative effect is that the building would read as a detached dwelling with discernible separation from neighbouring boundaries rather than as a form artificially inserted into an insufficient plot.

55. The prevailing plot widths within Rosslyn Close are generally in the order of 10 - 14m and the proposed plot would remain somewhat narrower than the established pattern. However, planning guidance within SPD2 is not prescriptive and does not require slavish adherence to minimum dimensions where the overall form of development would remain compatible with the character of the area. In this instance, the limited 250mm shortfall is not considered to result in any material harm to the spatial rhythm of the street, particularly when viewed against the retained side spaces and the single-storey scale of the proposed dwelling. The proposal would not appear disproportionately narrow, excessively dense, or visually over-intensive in the manner identified in the previous refusal.

56. With regard to the siting of the dwelling, the submitted plans show that the front elevation would be positioned approximately 6m behind the edge of the footpath. The proposal would broadly align with the principal elevation of No. 62 Rosslyn Close, whilst remaining approximately 3.6m behind the front elevation of No. 58, which projects further forward within its plot. The surrounding streetscene does not exhibit a rigid or regimented building line; rather, it contains a degree of variation in the depth of dwellings and their relationship to the highway. In such circumstances, the fact that the proposal would not align precisely with every neighbouring frontage does not, in itself, indicate harm to local character. National and local design guidance seeks coherence rather than uniformity, and the revised siting would sit comfortably within the existing pattern of development without appearing incongruous or visually intrusive.

57. The arrangement of frontage parking with private amenity space located to the rear reflects the predominant residential layout found within the locality. The rear garden would remain clearly defined, functional and capable of serving the day-to-day needs of future occupiers. When considered as a whole, the revised proposal demonstrates a materially improved relationship with its plot, achieves meaningful separation from both side boundaries, and would integrate satisfactorily into the varied building line and established residential grain of Rosslyn Close.

58. Accordingly, whilst the proposal does not achieve full compliance with the 9.25m frontage guideline in SPD2, the degree of non-compliance is limited and is not considered to give rise to demonstrable planning harm. The previous concerns

regarding a cramped, contrived and spatially deficient form of development have been substantially addressed through the revised layout, and on balance the proposal is considered acceptable in terms of layout, spatial character and integration with the surrounding area.

Appearance

59. The previous application was identified as exhibiting a number of fundamental design deficiencies, including an elongated and poorly articulated building form, limited engagement with the public realm, excessive reliance upon a single external material, and a lack of architectural refinement. These characteristics resulted in a dwelling that appeared visually isolated, overly stark and insufficiently responsive to the established pattern, rhythm and material palette of the surrounding streetscene.

60. The revised proposal has sought to address these concerns through a more considered approach to building form, elevational treatment, fenestration and materiality. The dwelling remains of a broadly rectilinear form, measuring approximately 13.4m in length by 6.9m in width, with a footprint of approximately 91m^2. Whilst the building continues to have a relatively elongated footprint, this is reflective of the constrained and nature of the application site. When considered alongside the revised architectural detailing and improved articulation, the proposal would no longer present the same degree of visual dominance or monolithic appearance identified within the previous scheme.

61. The dwelling incorporates a pitched roof form with an overall ridge height of approximately 4.7m and an eaves height of approximately 2.1m. The relatively low eaves and modest overall height assist in maintaining a single-storey appearance and help to reduce the perceived scale and massing of the building when viewed from surrounding properties and the wider streetscene. However, given the length of the building, careful consideration remains necessary to ensure that the form does not appear overly linear, repetitive or disproportionate within the constrained plot.

62. A significant improvement over the previous proposal is the introduction of greater architectural articulation to the principal elevation. The front elevation incorporates a projecting element, with the remainder of the frontage recessed by approximately 900mm. This creates a more varied building line, introduces depth and shadowing, and provides visual relief to what would otherwise be a relatively long and uniform elevation. This approach successfully reduces the perception of a flat,

uninterrupted façade and provides a clearer architectural hierarchy.

63. The principal elevation facing Rosslyn Close is now more successfully composed. The main entrance door is positioned within the recessed element and is flanked by two similarly proportioned windows serving the two bedrooms. The consistent scale, alignment and positioning of these openings establishes a coherent rhythm and provides a balanced frontage. Unlike the previous proposal, which presented a relatively inactive and stark elevation, the revised arrangement provides a stronger relationship with the streetscene and introduces an appropriate level of visual interest.

64. The relationship with the side boundaries has also been improved. The previous proposal was positioned approximately 400mm from the flank boundary of No. 58 Rosslyn Close, resulting in a cramped relationship and failing to achieve the 1m separation guidance contained within SPD2 between habitable rooms and side boundaries. As previously stated, the revised scheme provides a separation distance of approximately 1.25m from the north-western boundary and approximately 1m from the south-eastern boundary. This represents a more appropriate spatial arrangement, allowing the dwelling to sit more comfortably within the plot and reducing the sense of enclosure and visual pressure upon neighbouring properties.

65. The flank elevation facing No. 58 Rosslyn Close incorporates three windows, serving bedroom no.1 and the remaining windows serving open-plan living accommodation. Whilst the windows are similar in size and proportion and maintain a strong horizontal emphasis, their arrangement provides a consistent and deliberate architectural language. The revised treatment provides greater coherence and avoids the appearance of an inactive side wall. The openings also assist in breaking up the perceived length of the elevation, although matters relating to privacy and overlooking are considered separately within the assessment of neighbouring amenity.

66. The opposing flank elevation is more restrained, incorporating a personnel door serving the utility room and a window serving the main bathroom. Whilst this elevation remains relatively functional and inactive in character, this is considered appropriate given its secondary nature. The limited fenestration avoids unnecessary visual clutter and ensures the elevation remains proportionate to its purpose.

67. The rear elevation retains a similar design approach to the previous submission, incorporating extensive glazing to establish a relationship between the internal living

accommodation and the rear garden. The elevation includes bi-fold doors, four additional glazed panels and glazing beneath the roof apex, creating a visually open and contemporary appearance. Whilst this element of the design is not materially different from the previous proposal, it remains an appropriate response to the private rear amenity space by providing an active rear elevation and reducing the dominance of solid external walls.

68. The principal improvements over the previous scheme therefore arise not from the rear elevation treatment, but from the overall refinement of the proposal. The revised dwelling introduces a better balance between built form, openings, materials and boundary relationships, resulting in a development that is more successfully integrated within its surroundings.

69. The proposed material palette also represents a significant improvement over the previous submission. The earlier scheme relied extensively upon timber weatherboarding across all elevations, which resulted in a monotonous and visually dominant appearance that lacked the material variation and architectural interest characteristic of the locality. In contrast, the revised proposal incorporates a more balanced combination of materials, including a brick plinth, cream silicone render, plain roof tiles, PVC gutters and downpipes, oak doors and windows, together with timber detailing beneath the roof on the front and rear elevations.

70. The use of render, brick and timber detailing provides greater texture, depth and visual interest, whilst remaining compatible with the varied material palette evident within the surrounding area. The proposal adopts a contemporary interpretation of local character rather than seeking to replicate existing development, which is considered appropriate provided that the scale, proportions and detailing remain sympathetic.

71. From an urban design perspective, the revised proposal demonstrates a more considered response to the established pattern of development. The previous scheme was criticised for failing to reflect local façade composition, architectural rhythm and material balance, resulting in a building that appeared isolated and visually intrusive. The revised design addresses these concerns through improved articulation, a more balanced elevation treatment, greater separation from boundaries and a more sympathetic material approach.

72. Nevertheless, the dwelling remains a relatively substantial structure within a constrained plot and its elongated footprint continues to require careful management to ensure that the building does not appear overly dominant. However, the

introduction of façade modulation, improved fenestration and enhanced material detailing successfully reduces the perception of bulk and rigidity.

73. Overall, the revised proposal represents a significant improvement over the previously refused scheme. Whilst certain elements, including the glazed rear elevation, remain broadly consistent, the proposal has successfully addressed the key design deficiencies previously identified. The dwelling would no longer appear as an overly stark, monolithic or visually oppressive form but would instead provide a more coherent and appropriately articulated building that responds positively to the character and appearance of the locality. Subject to appropriate detailing and landscaping, the proposal would accord with the design principles contained within the National Planning Policy Framework, the National Design Guide and relevant local design guidance, including SPD2 Housing Design.

Residential Amenity

74. Policy L2 of the revised NPPF (August 2026) supports the effective use of land within existing residential curtilages, but makes clear that such development must maintain acceptable living standards for both existing and future occupiers. The policy specifically requires consideration of the effects of development on matters including daylight, sunlight, privacy and external amenity space. These principles are embedded within local policy, notably Policy DM1, which requires proposals to safeguard the amenity of neighbouring occupiers by avoiding undue overlooking, maintaining adequate privacy, and promoting a positive visual relationship between new and existing built form. Policy DM3 further reinforces this by requiring a robust assessment of the potential impact of development on residential amenity, encompassing considerations such as daylight, outlook, noise, and visual dominance.

75. The concept of residential amenity encompasses a range of environmental and experiential conditions that residents can reasonably expect to enjoy daily. In evaluating any planning application, the LPA is required to assess whether the proposed development would give rise to demonstrable and unacceptable harm to the living conditions of neighbouring occupiers. Such harm may manifest in the form of loss of privacy through overlooking, reduction in daylight or sunlight, or the creation of a visually overbearing built form that diminishes the quality of the residential environment.

76. In this case, the proposed erection of a single detached dwelling is not considered likely to generate adverse environmental impacts in terms of noise, air quality, or water pollution. These

are not identified as material concerns in relation to the nature and scale of the proposed use, which is residential in character and compatible with the surrounding context.

77. Para 7.1 of the Councils SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.

78. Objections have been raised by neighbouring residents regarding potential overlooking, loss of privacy, and overbearing impact resulting from the proposed development. These concerns have been carefully assessed in the context of the proposal, which relates to a single-storey dwelling with all windows at ground-floor level. The single-storey form inherently limits the potential for harmful overlooking, overshadowing, or overbearing effects compared with two-storey dwellings or developments incorporating habitable accommodation within the roofspace. This fundamental design choice significantly reduces the risk of demonstrable harm to neighbouring amenity.

79. The principal windows serving the open plan kitchen are positioned to overlook the private amenity space associated with the proposed dwelling. It is noted that the private amenity space serving the proposal backs onto the rear garden of No. 48 Plumberow Avenue. While some incidental views into neighbouring gardens may occur, the impact would be minimal due to the distance between properties (in excess of 20m) and the orientation of the windows. Any residual risk of overlooking would be further mitigated through appropriate boundary treatment and landscaping, which could be secured by condition. Together, these factors ensure that privacy is maintained and any perception of overlooking would be minor and not materially harmful.

80. In terms of overbearing impact, the modest scale of the dwelling (eaves 2.1m, roof apex 4.7m) ensures that it would not dominate or enclose the private gardens of neighbouring properties. The elongated, single-storey form means that even where parts of the dwelling are closer to boundaries, the bulk is limited, and the building would sit comfortably within the context of surrounding plots. The separation distance, orientation, and absence of upper-floor accommodation ensure that loss of outlook and daylight is minimal and would not materially affect the amenity of adjoining occupiers.

81. For No. 58 Rosslyn Close, the proposed dwelling would be positioned approximately 9m from the flank elevation of this neighbouring single-storey bungalow, with the relationship being flank-to-flank rather than flank-to-rear. This is an important distinction in amenity terms, as the proposal would not present a principal elevation directly towards the main rear garden or primary habitable room windows of No. 58.

82. In assessing the effect on outlook and enclosure, substantial weight should be given to the fact that the proposed dwelling is wholly single-storey in nature, with a modest ridge height and limited overall massing. The building would therefore be experienced as a low-level form of development and would not create the dominant or oppressive relationship that can arise where taller or two-storey flank elevations are positioned in close proximity to neighbouring properties. The 9m separation distance, when considered alongside the single-storey scale of both buildings, provides a reasonable degree of spatial relief between the structures.

83. The flank elevation of the proposed dwelling would contain a secondary bedroom window and two secondary windows serving the open-plan living/kitchen area. These openings do not serve as principal outlook windows directed towards No. 58. Given the flank-to-flank relationship, any views would be predominantly oblique rather than direct.

84. The layout further allows for appropriate boundary treatment between the properties, including fencing and potential planting, which would assist in filtering views and reducing any perception of overlooking. Importantly, there are no first-floor windows, balconies, terraces, or other elevated viewing points that would intensify privacy impacts.

85. Having regard to the flank-to-flank relationship, the 9m separation distance, the wholly single-storey form and modest massing of the proposed dwelling, the secondary nature of the flank windows, and the opportunity for effective boundary screening, the proposal would not result in a material loss of outlook, an overbearing impact, or harmful overlooking to the detriment of the occupiers of No. 58 Rosslyn Close. The relationship is materially less sensitive than a direct rear-facing relationship and is considered to maintain an acceptable standard of neighbouring residential amenity.

86. For No. 62 Rosslyn Close, the flank elevation of the proposed dwelling would be positioned approximately 2m from the neighbouring flank elevation, resulting in a relatively close flank-to-flank relationship. However, this relationship must be considered in the context of the proposal being wholly single-

storey, with modest eaves and ridge heights and no upper-floor accommodation. As such, the dwelling would not create a dominant or oppressive form of development, nor would it give rise to a materially harmful sense of enclosure or result in loss of privacy.

87. The submitted plans show only two openings within this elevation: a personnel door serving a utility room and a window serving the main bathroom. Neither serves a principal habitable room, and the bathroom window would ordinarily be obscurely glazed, which could be secured by condition if necessary. Importantly, there are no first-floor windows, balconies, or other elevated vantage points that could result in direct overlooking. Concerns have been raised regarding the siting of the proposal projecting beyond the rear elevation of no. 62. Given the scale and nature of the proposal, it is not considered that the proposal would cause demonstrable harm in relation to being overbearing or over dominating. Furthermore, the windows in the rear elevation of the proposal would be effectively screened by boundary treatment and landscaping, which would be conditioned in the event that planning permission is granted.

88. As stated above, appropriate boundary treatment and landscaping could be provided along the shared boundary to further reduce intervisibility between the properties. Although some short-term visual impact may occur before any planting becomes established, this would not amount to material planning harm given the limited scale of the development and the nature of the openings.

89. Taking these factors together, the proposal would not result in a material loss of outlook, unacceptable enclosure, or harmful overlooking to the detriment of the occupiers of No. 62 Rosslyn Close, and an acceptable standard of residential amenity would be maintained.

90. The principal elevation windows and door face the public realm and do not give rise to any privacy or amenity concerns. Considering all windows are at ground-floor level, the elongated single-storey form of the dwelling, the separation distances to neighbouring properties, and the potential for mitigation measures, the development would not result in demonstrable harm to neighbouring residential amenity.
91. In summary, the proposed dwelling has been carefully designed and sited to ensure that the amenity of neighbouring occupiers is protected. The single-storey form, ground-floor windows only, separation distances, and potential for appropriate boundary treatment and landscaping collectively mitigate risks associated with overlooking, loss of privacy, overbearing impact, or loss of outlook. The proposal is therefore consistent with Policies DM1

and DM3 of the Local Plan, the guidance contained within the Council's SPD, and Paragraph 135(f) of the NPPF, which collectively require that development respects the amenity of adjoining occupiers. On this basis, there are no substantive grounds to conclude that the proposal would result in unacceptable impacts on residential amenity.

Garden Sizes

92. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

93. Policy DM3 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 dwelling house. The NPPF 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.

94. Supplementary Planning Document 2 requires a minimum 100m^2 garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50m^2 would be required. The proposed development would provide 1no., two bedroomed dwelling. According to the submitted layout plan the proposal would have a private amenity of roughly 75m^2, which would satisfy the outdoor amenity space requirements, as set out in SPD2.

95. Furthermore, as the plot is being severed, the existing property (no.50 Plumberow Avenue) would have a private amenity space in excess of 240m^2, which is in accord with guidance advocated within the SPD.

Technical Housing Standards

96. 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.

97. 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.

98. 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.

99. A one-storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m^2 or 70m^2 respectively. Additionally, the dwelling must have a minimum of 2m^2 of built-in storage. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m^2, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.

100. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 78m^2, and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.

101. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No.1 (Primary)	12.5m^2
Bedroom No.2	8.7m^2

102. According to the submitted plans, all bedrooms comply with the relevant policies and exceed the minimum internal floor area requirements in most respects. Bedroom 1 can be classified as a double bedroom, as its floor area exceeds the minimum standard. However, the second bedroom, measures approximately 8.7m^2, which is below the 11.5m^2 minimum for a double bedroom set out in the Housing Technical Guidance. Consequently, this room is more accurately classified as a single bedroom, which has a minimum requirement of 7.5 m^2.

103. It was also noted that no storage areas have been shown on the submitted plans. However, the overall internal floor area of the dwelling is approximately 78m^2, which exceeds the minimum Gross Internal Area (GIA) required for a two-bedroom property. On this basis, there is considered to be insufficient justification to refuse the application, and any refusal on the basis of lack of storage area(s) would be difficult to defend in the event of an appeal.

104. 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.

105. 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.

Arboricultural Issues

106. Policy DM25 of the Development Management Plan establishes a clear and rigorous framework for assessing the impact of development proposals on trees. The policy is not a purely quantitative exercise of counting trees lost or retained; rather, it requires a careful, evidence-based evaluation of arboricultural quality, contribution to landscape character, public amenity value, and biodiversity function. It sets a strong presumption in favour of retention, particularly where trees make a meaningful contribution to local character or form part of significant woodland structures, including Ancient Woodland. Any loss or deterioration of trees will only be supported where the demonstrable benefits of development clearly outweigh the harm, and where mitigation measures are sufficient to ensure no net long-term loss of biodiversity, amenity, or landscape character.

107. In the submitted planning application, the applicant indicated that there are no trees or hedges on the development site and that there are no trees or hedges on adjacent land that could influence the development or contribute to local landscape character. These responses suggest that the site has limited arboricultural or landscape significance.

108. The Council's Arboricultural Officer has previously assessed the site and confirmed the presence of a limited number of trees and shrubs, including cheesewood, silver birch, and lilac, which have been categorised as BS 5837:2012 Category C. This classification indicates that the vegetation is of low arboricultural quality and limited individual merit, with no significant contribution to the wider arboricultural resource. The

trees are primarily concentrated along the highway boundary, where they provide a degree of localised screening and minor visual softening of the site, but they do not form part of a coherent landscape structure, make a significant contribution to public visual amenity, or possess notable ecological or cultural value.

109. The Arboricultural Officer concluded that the existing vegetation could be removed or replaced without giving rise to significant arboricultural harm and that any loss of screening or amenity could be reinstated within a relatively short period through appropriate replacement planting. In relation to the current application, no arboricultural objection has been raised, which indicates that the proposal is not considered to result in unacceptable impacts on retained trees, tree health, or the long-term arboricultural function of the site.

110. Notwithstanding the absence of objection, the proposal would result in the loss of existing vegetation and therefore requires mitigation to ensure that replacement planting is secured and successfully established. A planning condition should therefore require the submission and approval of a comprehensive landscaping scheme, and where necessary a programme for implementation, maintenance, and replacement of any failed planting during the establishment period.

111. While the trees make a modest contribution to local green infrastructure and boundary screening, their BS 5837 Category C status confirms that they are not of sufficient quality to warrant substantial weight in the planning balance. The proposal would not result in the loss of high-quality trees, veteran specimens, protected trees, or an established landscape feature of wider public importance. Furthermore, the opportunity exists to introduce replacement planting of improved species composition, structure, and longevity, which could enhance the site's landscape function over time.

112. Having regard to the limited arboricultural value of the existing vegetation, the absence of objection from the Council's Arboricultural Officer, and the ability to secure effective mitigation through conditions, the proposal is considered to accord with the objectives of Policy DM25. Subject to the submission and implementation of an appropriate replacement planting and aftercare scheme, the development would not result in a significant or permanent loss of arboricultural, landscape, or biodiversity value, and the limited harm arising from vegetation removal is outweighed by the wider benefits of the proposed development

Impact on Highway safety

113. Policies DM1 and DM3 of the Rochford District Development Management Plan require development to provide appropriate access, parking and servicing arrangements which respond to the operational requirements of the development and avoid unacceptable effects on the public highway.
Policy DM30 seeks to ensure that development creates a safe, accessible and well-functioning environment, including appropriate parking arrangements which do not prejudice highway safety or pedestrian movement.

114. These local requirements should be considered alongside the August 2026 NPPF. The new Framework adopts a more integrated approach to transport, access and parking through policies TR2, TR3 and TR4. TR2 requires local parking standards to be established having regard to matters including the accessibility of development, the type, mix and use of development, opportunities for public transport and local circumstances. TR3 addresses the location of development and the promotion of sustainable patterns of movement, while TR4 requires transport considerations to be integral to the design of development, including the provision of safe and suitable access and appropriate parking arrangements.

115. The Essex Planning Officers Association Parking Guidance Part 1: Parking Standards, Design and Good Practice (September 2024), adopted by Essex County Council in January 2025, therefore remains an important local benchmark for assessing the adequacy of residential parking provision. For a two-bedroom dwelling, the guidance identifies a requirement for two off-street parking spaces. The guidance also establishes dimensional requirements intended to ensure that spaces are genuinely usable rather than merely capable of being identified on a plan. In particular, the guidance identifies minimum dimensions of approximately 5.5m by 2.9m for a parking bay, while a garage should have appropriate internal dimensions before it can reasonably be relied upon as a functional parking space.

116. The purpose of applying these standards is not simply to achieve a numerical level of provision. Parking must be usable in practice, capable of accommodating vehicles safely and conveniently, and arranged so as to avoid unacceptable obstruction of the highway, conflict with pedestrians or reliance upon inappropriate on-street parking. The assessment should therefore consider both the quantity and functionality of the spaces proposed.

117. The site currently comprises a semi-detached dwelling served by an established vehicular access and off-street parking. The proposal would subdivide the existing residential curtilage to create an additional dwelling served from Rosslyn Close, involving a new vehicular crossover and parking area adjacent to a pedestrian footway linking Plumberow Avenue and Rosslyn Close. The principal highway considerations are therefore the adequacy and safety of the proposed access, the relationship between vehicles and pedestrians, the ability of vehicles to enter, manoeuvre and leave the site safely, and whether the proposed parking spaces are genuinely usable.

118. Essex County Council Highways, as the statutory highway authority, has been consulted and raises no objection, subject to conditions securing the detailed design and construction of the access, the provision and retention of two off-street parking spaces, cycle parking, appropriate surfacing, construction management arrangements and sustainable transport measures. This consultation response is an important material consideration, given the Highway Authority's specialist responsibility for assessing the effect of development on the public highway.

119. The Highway Authority has nevertheless identified a limitation within the submitted parking arrangement. It acknowledges that the submitted layout is indicative rather than fully resolved and that the southernmost parking space could not be accessed by a conventional right-angle manoeuvre from the proposed crossover. Vehicles would instead need to enter the site and park obliquely within the curtilage. This is a material consideration because it demonstrates that the parking arrangement is constrained and that the submitted plan does not represent an entirely conventional parking layout. However, the Highway Authority has specifically considered that constraint and has concluded that the site is capable of accommodating two vehicles in a workable arrangement, subject to detailed design being secured by condition.

120. The proposed access geometry, crossover and dropped kerb arrangement can be controlled through appropriate conditions to ensure that vehicles enter and leave the highway safely. Similarly, conditions relating to surfacing, construction access, material storage and the protection of the public footway can address potential risks during the construction phase. The requirement for cycle parking and sustainable transport information is consistent with the wider objectives of the August 2026 NPPF and should not, in itself, be interpreted as evidence of a deficiency in the proposed vehicular parking provision.

121. The critical distinction is therefore between a constrained parking arrangement and one which gives rise to demonstrable highway harm. The proposed layout is undoubtedly tight and one space relies upon an oblique manoeuvre rather than a conventional right-angle approach. That is not, however, sufficient in itself to establish unacceptable highway conditions. The Highway Authority has considered the access and parking arrangement and has not identified that the proposal would result in unsafe vehicle movements, unacceptable reversing onto the highway, obstruction of the footway or an unacceptable conflict between vehicles and pedestrians.

122. There is also no independent technical evidence before the decision-maker demonstrating that the proposed access cannot operate safely or that the two parking spaces are incapable of being used in practice. While the layout may be less convenient than an unconstrained parking arrangement, convenience and optimality should be distinguished from highway safety. The relevant question is whether the proposed arrangement would result in an unacceptable impact on highway safety or an unacceptable transport consequence, having regard to the mitigation available and the evidence provided.

123. The fact that the proposal would intensify the use of the site through the creation of an additional dwelling does require the consequences of the additional vehicular movements to be considered. However, the development would comprise only one additional residential unit and would utilise an existing residential street. There is no evidence that the additional traffic generated would result in a material capacity or congestion problem, nor has the Highway Authority identified an unacceptable cumulative impact on the surrounding highway network.

124. The August 2026 NPPF's transport policies also require development to support sustainable patterns of movement and to integrate transport considerations into the design of development. In this case, the proposal's location within the existing settlement and its connection to the established pedestrian network are relevant positive considerations. The new access must nevertheless be designed so that the pedestrian route remains safe and convenient and that the introduction of vehicle movements across the footway does not create an unacceptable conflict. TR4's emphasis on safe, inclusive and well-integrated movement reinforces the need for the detailed access arrangement to be properly secured.

125. Accordingly, the fact that the proposal does not provide an especially generous or conventional parking arrangement should not, without more, justify refusal. The assessment must

consider whether the spaces are functional, accessible and safe, whether vehicles can enter and leave the site without unacceptable conflict with pedestrians or highway users, and whether the additional traffic generated by one dwelling would result in an unacceptable transport or highway safety impact.

126. Having regard to the statutory Highway Authority's absence of objection, the proposed provision of two off-street parking spaces, the ability to secure the detailed access and parking arrangement by condition, and the absence of substantiated evidence demonstrating unacceptable highway safety effects or severe transport impacts, there is not a robust evidential basis for refusal on highway grounds.

127. The proposal would therefore, subject to the recommended conditions, be capable of providing an acceptable access and parking arrangement. While the parking layout is constrained and would benefit from detailed resolution, that limitation does not in itself amount to unacceptable highway harm. The proposal is consequently considered capable of complying with Policies DM1, DM3 and DM30, the applicable Essex Planning Officers Association Parking Guidance, and the transport and access principles of TR2, TR3 and TR4 of the August 2026 NPPF.

Drainage

128. 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 NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Flooding

129. The application site has been assessed against the Environment Agency's Flood Map for Planning, which confirms that the site lies wholly within Flood Zone 1. Flood Zone 1 comprises land with a less than 0.1% annual probability of flooding from rivers or the sea and is therefore identified as having the lowest probability of fluvial and tidal flooding. The NPPF, seeks to steer development towards areas of the lowest

flood risk through the application of the sequential approach. In this regard, the siting of the proposed development within Flood Zone 1 is entirely consistent with the objectives of national planning policy.

130. The assessment has not been limited to the Environment Agency's current Flood Map for Planning. In accordance with the requirements of the NPPF and the accompanying Planning Practice Guidance (PPG), the proposal has also been assessed against the Environment Agency's Flood Risk Map for Planning – Climate Change Allowances to consider the potential implications of climate change over the anticipated lifetime of the development. This is an important consideration, as planning decisions should ensure that development remains safe for its intended lifetime without increasing flood risk elsewhere and should take account of the predicted effects of climate change.

131. The Environment Agency's climate change mapping indicates that the application site will remain entirely within Flood Zone 1 throughout the projected period of 2070 to 2125. The mapping does not identify the site as becoming susceptible to flooding from rivers or the sea under the relevant climate change scenarios, nor does it indicate any material increase in fluvial or tidal flood risk over the anticipated lifetime of the development.

132. Accordingly, there is no substantive evidence to suggest that the proposal would be at an unacceptable risk of flooding either under present-day conditions or when future climate change projections are taken into account. The proposal is therefore considered to be sequentially appropriate in flood risk terms, being located within the lowest flood risk designation identified by the Environment Agency.

133. Having regard to the Environment Agency's Flood Map for Planning, the climate change flood mapping, and the requirements of the National Planning Policy Framework, it is concluded that the proposed development would not be exposed to an unacceptable risk of flooding from rivers or the sea during its lifetime. Furthermore, the proposal would not conflict with the objectives of national policy, which seek to direct development towards areas of lowest flood risk and ensure that climate change resilience is appropriately considered as part of the decision-making process.

134. The proposal is therefore considered acceptable in respect of flood risk and accords with the relevant provisions of the National Planning Policy Framework.

Refuse and Waste Storage

135. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740m deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance would be below 20m owing to the distance of the proposed dwelling from the road.

On-site Ecology

136. The previous application was refused, in part, because insufficient ecological information had been submitted to enable the Local Planning Authority to properly assess the likely effects of the proposed development upon protected species, Priority Species and habitats. In the absence of an ecological appraisal, supporting site photographs or species-specific assessment, the Authority was unable to discharge its statutory duties under Section 40 of the Natural Environment and Rural Communities Act 2006 or conclude that the proposal would comply with the requirements of the Conservation of Habitats and Species Regulations 2017. Applying the precautionary principle, it could not be demonstrated that the development would avoid unacceptable harm to biodiversity, and the proposal was therefore considered contrary to Section 15 of the National Planning Policy Framework and Policy DM27 of the Rochford District Development Management Plan.

137. In response to this previous reason for refusal, the applicant has submitted a Preliminary Ecological Assessment (PEA) prepared by ACJ Ecology and dated June 2026. The report comprises a desk-based assessment together with a Phase 1 habitat survey undertaken during the recognised optimal survey period and therefore provides a substantially more robust evidence base than accompanied the previously refused application. The report has been prepared with reference to relevant guidance and legislation, including the Chartered Institute of Ecology and Environmental Management

(CIEEM) Guidelines for Ecological Impact Assessment, the Bat Conservation Trust Good Practice Guidelines and relevant Natural England guidance relating to protected species.

138. The desk study confirms that the application site lies within the zone of influence of several internationally and nationally designated ecological sites, including Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), areas of Ancient Woodland and Priority Habitats. Whilst these designations are an important material consideration, they are located beyond the application site itself and do not indicate that the site possesses ecological value of a comparable significance. The report also confirms that the site falls within the Green Risk Zone for Great Crested Newts. However, the desk study identified no ponds within 500 metres of the site, no watercourses within 100 metres and no recent records of European Protected Species licences within one kilometre, thereby providing an important baseline against which the site's ecological potential can be assessed.

139. The habitat survey concludes that the application site comprises a maintained domestic garden of limited ecological value, consisting principally of species-poor mown grassland, ornamental planting and two small plastic storage sheds situated on areas of hardstanding. Whilst the site contains a variety of ornamental and native plant species within garden borders, these are typical of a suburban residential garden and do not constitute habitats of principal importance or support features of significant ecological interest. The survey further concludes that ecological connectivity with the wider landscape is poor due to the surrounding pattern of residential development, roads and domestic gardens, thereby limiting the site's function within wider ecological networks.

140. The report undertakes a detailed assessment of the site's suitability for protected and Priority Species. Having regard to the nature, condition and extent of the habitats present, the ecologist concludes that the site does not provide suitable roosting, breeding, resting, foraging or commuting habitat for the majority of protected species. In particular, the plastic storage sheds are not considered capable of supporting bat roosts owing to their modern construction and sealed roof design, whilst the absence of mature trees with roosting features, waterbodies, species-rich grassland, scrub mosaics, hedgerows with strong landscape connectivity or other significant habitat features substantially limits the ecological potential of the site. The report therefore concludes that further surveys for bats, badgers, dormice, reptiles, great crested newts, otters, water voles, white-clawed crayfish, barn owls and notable invertebrates would not materially influence the assessment of the proposal or the

planning decision because there is no reasonable likelihood that these species would be adversely affected by the development.

141. Notwithstanding these conclusions, the assessment does identify that vegetation along the north-eastern boundary has the potential to support nesting birds, albeit only common and widespread species. This finding is unsurprising given the presence of boundary vegetation within an otherwise residential setting. The report appropriately recommends that any vegetation clearance is undertaken outside the recognised bird breeding season unless a pre-commencement inspection by a suitably qualified ecologist confirms that no active nests are present. The report also recommends that external lighting should be designed to minimise light spill onto retained vegetation and surrounding habitats and identifies the requirement for a Biodiversity Net Gain Assessment to demonstrate measurable biodiversity enhancement in accordance with current legislative requirements. These recommendations are proportionate to the scale of the proposal and represent standard ecological mitigation measures capable of being secured by planning condition.

142. The submitted ecological information has been independently reviewed by Essex County Council Place Services Ecology, who act as the Council's specialist ecological advisers. Following their assessment, Place Services raise no objection to the proposal and advise that sufficient information has now been provided to enable the Local Planning Authority to undertake a lawful assessment of the proposal under the Conservation of Habitats and Species Regulations 2017. They further confirm that the mitigation measures identified within the Preliminary Ecological Assessment should be secured by planning condition and implemented in full in order to conserve and enhance protected and Priority Species recorded within the locality. This advice demonstrates that the previous uncertainty which underpinned the refusal of the earlier application has now been satisfactorily addressed.

143. Having carefully considered the submitted ecological evidence, together with the advice received from Essex County Council Place Services Ecology, Officers are satisfied that the Preliminary Ecological Assessment provides a proportionate and sufficiently robust assessment of the ecological constraints associated with the site. Whilst no ecological survey can provide absolute certainty regarding species absence, the planning system does not require such a standard. Rather, it requires sufficient information to enable the competent authority to make an informed planning judgement. In this instance, the evidence demonstrates that the site is of relatively low intrinsic ecological value, that there is no reasonable likelihood of significant

impacts upon protected species, and that any residual ecological effects can be appropriately mitigated through planning conditions.

144. Accordingly, it is considered that the applicant has satisfactorily overcome the previous reason for refusal relating to ecology. Subject to conditions securing the mitigation measures identified within the Preliminary Ecological Assessment, the protection of nesting birds during construction, appropriate external lighting controls and the delivery of Biodiversity Net Gain, the proposal is considered to accord with Section 15 of the National Planning Policy Framework, Policy DM27 of the Rochford District Development Management Plan, the biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2017.

Off-site Ecology

145. 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.

146. The development for 1no. dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 additional dwelling

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

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

- No

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

- No

147. 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.

148. 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 been paid to the Local Planning Authority.

BNG

149. Biodiversity Net Gain (BNG) is a statutory mechanism established by Schedule 7A of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021. Subject to specified exemptions and transitional provisions, the statutory regime requires qualifying development to achieve a minimum 10% biodiversity net gain.

150. The application was validated on 9th July 2026, prior to the changes to the statutory BNG exemptions which came into effect on 6th August 2026. The transitional provisions are therefore applicable to this application. In particular, the previous exemption for qualifying self-build and custom-build development remains capable of applying to applications made before 6 August 2026, provided the development satisfies the relevant statutory criteria.

151. The proposal comprises a single self-build/custom-build dwelling on a site of less than 0.5 hectares. On the information submitted, the development falls within the scope of the applicable transitional self-build/custom-build exemption. Accordingly, the statutory biodiversity gain condition is not applicable and there is no requirement in this case to secure the statutory minimum 10% BNG through a Biodiversity Gain Plan or to provide statutory biodiversity metric calculations.

152. This conclusion is supported by the advice of the Council's ecological advisers, Essex County Council Place Services, who have considered the proposal and confirmed that the development benefits from the relevant exemption. As the Council's specialist ecological advisers, their assessment is an important material consideration and provides independent support for the conclusion that the statutory BNG regime is not engaged.

153. The exemption must, however, be properly understood. It is an exemption from the statutory biodiversity gain requirement; it does not constitute an exemption from biodiversity considerations generally. The absence of a statutory 10% BNG requirement does not remove the Council's obligations under section 40 of the Natural Environment and Rural Communities Act 2006, as amended, nor does it disapply the biodiversity policies of the August 2026 NPPF.

154. The August 2026 NPPF continues to require the planning system to protect and enhance the natural environment, conserve and enhance biodiversity and pursue opportunities for biodiversity improvement through development. The mitigation hierarchy remains fundamental to the assessment, requiring biodiversity impacts to be avoided where possible, then mitigated and, where appropriate, compensated. These considerations apply irrespective of whether a development is subject to the statutory BNG regime.

155. In this case, Place Services has advised that, notwithstanding the statutory exemption, biodiversity enhancement measures should be secured. In particular, they recommend a Biodiversity Enhancement Strategy to provide proportionate measures for protected, priority and threatened species and to secure appropriate ecological enhancements associated with the development.

156. Officers consider this to be a proportionate approach. The proposed condition would not seek to impose the statutory BNG regime indirectly or require the development to achieve an artificial 10% biodiversity gain in circumstances where Parliament has expressly provided an exemption. Rather, it

would secure site-specific ecological mitigation and enhancement arising from the development and would enable the Local Planning Authority to ensure that opportunities to conserve and enhance biodiversity are incorporated into the scheme.

157. The self-build/custom-build status should also be secured by condition. This is important because the exemption relied upon is dependent upon the development satisfying the statutory criteria. The permission should therefore ensure that the dwelling is constructed and occupied in accordance with the self-build/custom-build basis upon which the exemption has been applied. The condition should be appropriately drafted so that the exemption is not inadvertently undermined by a subsequent change in the nature or status of the development.

158. It follows that the absence of a Biodiversity Gain Plan or statutory biodiversity metric should not be regarded as an omission or deficiency in the application. The statutory BNG requirement does not apply to this proposal by virtue of the applicable transitional exemption. The assessment nevertheless remains subject to the wider requirements of national and local planning policy concerning biodiversity, ecological protection and enhancement.

159. The distinction is therefore between statutory BNG and ordinary biodiversity planning considerations. The former is not engaged in this case; the latter remain fully relevant. The proposal must still demonstrate that unacceptable ecological impacts would not arise and that reasonable opportunities for biodiversity enhancement are taken.

160. On the basis of the submitted information, the 9th July 2026 validation date, the nature and scale of the proposal, the self-build/custom-build status of the dwelling, the site area and the specialist advice provided by Place Services, officers are satisfied that the proposal benefits from the applicable transitional exemption from mandatory BNG. Subject to conditions securing the self-build/custom-build status of the dwelling and the submission, approval and implementation of a Biodiversity Enhancement Strategy, the proposal provides an appropriate and proportionate response to biodiversity considerations.

161. The statutory 10% BNG requirement is therefore not engaged, and a Biodiversity Gain Plan or statutory biodiversity metric is not required. This conclusion does not, however, remove the need to secure appropriate ecological mitigation and enhancement or to comply with the Council's wider statutory and policy obligations in respect of biodiversity.

Other Matters

162. Substantial number of representations have been received objecting to the proposal. The objections relate principally to the alleged overdevelopment of a constrained plot, the appropriateness of backland development, harm to the character and spatial pattern of Rosslyn Close, neighbouring residential amenity, highway and parking impacts, construction effects, drainage concerns, the proposed chimney and log burner, and the possibility of further development on the remaining land. These matters are material considerations and have been carefully assessed.

163. Objectors contend that the proposal would represent an overdevelopment of a restricted residential plot and that the fundamental constraints identified under the previously refused application remain unresolved. Significant weight has been given to the earlier refusal, particularly the findings that the previous scheme appeared cramped, visually compressed and inadequately related to the site boundaries. However, the current proposal is materially different. The frontage has been increased to approximately 9m, the dwelling has been repositioned within the plot, and side separations of approximately 1m and 1.25m are now provided. The previous relationship, where the dwelling was positioned approximately 400mm from the boundary, has therefore been substantially altered. While the frontage remains marginally below the 9.25m guideline contained within SPD2, the shortfall is limited and must be considered in the context of the improved side setbacks and the overall spatial relationship of the development. The revised scheme would read as a detached dwelling with meaningful separation from its boundaries rather than as a form artificially compressed into an insufficient plot.

164. Concerns have also been raised that Rosslyn Close is characterised by detached dwellings on relatively spacious plots with visible gaps between buildings, and that the proposal would erode this established pattern. The character of the street has been carefully assessed. Rosslyn Close is predominantly residential and detached in character; however, it does not exhibit a rigidly uniform pattern of plot widths, building lines or separation distances. The proposed dwelling would remain wholly single storey, would be set back from the highway by approximately 6m, and would retain discernible space to both side boundaries. Although the plot would be narrower than many surrounding plots, the proposal would not appear disproportionately narrow, excessively dense or visually oppressive within the street scene. The development would

therefore not result in a material erosion of the prevailing spatial rhythm or openness of Rosslyn Close.

165. A number of objectors consider that the proposal remains an inappropriate form of backland development. Backland development is not inherently unacceptable in policy terms. The relevant test is whether the proposal respects the established urban grain, density and character of the locality. In this case, the dwelling would front Rosslyn Close, would have its own independent access, parking and amenity space, and would function as a coherent residential plot rather than as a subordinate or landlocked form of development. The proposal is therefore assessed as an infill development within the settlement boundary rather than as an isolated or incongruous backland intrusion.

166. It has been argued that the amendments are largely cosmetic and do not address the underlying issue of whether the site can accommodate an additional dwelling. This is not accepted. The revisions extend beyond matters of external appearance and include substantive changes to the layout, frontage width, boundary relationships, siting, architectural articulation and material treatment. These changes directly address the previous concerns relating to visual compression, poor proportion and inadequate contextual response. The current proposal must therefore be assessed on its own merits rather than treated as a repetition of the refused scheme.

167. Neighbouring amenity concerns have been carefully examined, including potential overlooking, loss of privacy, changes to outlook, enclosure and the effect of windows and boundary screening. The proposed dwelling is wholly single storey, with an eaves height of approximately 2.1m and a ridge height of approximately 4.7m, and contains no first-floor accommodation, balconies or elevated viewing points. The relationship with No. 58 Rosslyn Close is flank-to-flank with approximately 9m between buildings, and the flank windows are secondary in nature, resulting primarily in oblique rather than direct views. The relationship with No. 62 Rosslyn Close is closer, but the facing flank elevation contains only a utility door and a bathroom window, neither of which serves a principal habitable room. The bathroom window can be secured as obscure glazed by condition. The assessment has been undertaken on the basis of the permanent built form shown on the submitted plans, and no reliance has been placed upon temporary structures or informal existing screening. Having regard to the single-storey scale, separation distances, orientation and the ability to secure appropriate boundary treatment and landscaping, the proposal would not result in a

material loss of privacy, unacceptable overlooking, undue enclosure or an overbearing relationship.

168. Concerns regarding changes in levels and the effectiveness of screening have also been considered. The submitted plans do not indicate significant alterations to ground levels, and no technical evidence has been provided to demonstrate that level changes would create additional overlooking or dominance. Permanent boundary treatment and landscaping can be secured by condition and would provide appropriate mitigation.

169. Objectors have raised concerns regarding noise, disturbance, dust, contractor parking, deliveries and obstruction during the construction phase. These impacts are acknowledged; however, they are temporary in nature and are commonly associated with residential construction projects. They do not, in themselves, justify refusal of planning permission. Appropriate controls relating to construction management, storage of materials, prevention of mud on the highway and hours of work can be secured through planning conditions where necessary.

170. Highway and parking objections have been considered in detail. Essex County Council Highways, as the statutory highway authority, has assessed the proposal and raises no objection subject to conditions. The Highway Authority has specifically considered the constrained nature of the parking arrangement and has acknowledged that one parking space would require an oblique manoeuvre. Nevertheless, it has concluded that the site is capable of accommodating two off-street parking spaces in a workable arrangement and that the development would not give rise to an unacceptable impact on highway safety. In the absence of contrary technical evidence, substantial weight is attached to the professional judgement of the Highway Authority. The proposal provides dedicated off-street parking and there is no evidence that it would create severe residual cumulative impacts on the highway network, which is the threshold set by revised NPPF.

171. Concerns regarding the loss of informal on-street parking near the turning head are noted. However, there is no entitlement to retain unrestricted on-street parking adjacent to a development site, and the evidence does not demonstrate that the proposal would materially prejudice access to neighbouring driveways or garages.

172. Drainage concerns have been raised in relation to the proposed soakaway, London Clay soils, groundwater conditions and the fall of the land. Surface water drainage is a technical

matter capable of detailed design at the discharge of conditions stage. The site lies wholly within Flood Zone 1 and is not identified as being at unacceptable risk of flooding, including when climate change allowances are taken into account. A condition requiring the submission and approval of a detailed surface water drainage scheme is considered sufficient to ensure that runoff is appropriately managed and that the development does not increase flood risk elsewhere.

173. Specific concern has been expressed regarding the proposed log burner and chimney, including potential smoke, emissions and air quality effects on neighbouring properties. The chimney forms part of a single domestic dwelling and is not unusual in a residential context. No evidence has been submitted to demonstrate that its siting would give rise to unacceptable planning harm. Environmental legislation exists to regulate smoke emissions where necessary, and the proposal does not indicate a level of impact that would justify refusal on air quality grounds.

174. Concerns regarding possible damage to fences, foundations, gates, party wall matters, mud on the highway and reinstatement of pavements have been noted. These matters are either civil issues between landowners or are capable of control through construction management and highway legislation. They do not provide substantive planning grounds for refusal.

175. Finally, objectors express concern that the proposal could facilitate a further dwelling on the remaining land. This is speculative. The current application seeks permission for one dwelling only. Any future proposal for additional residential development would require a separate planning application and would be assessed against the Development Plan and all other material considerations prevailing at that time.

Equalities and Diversity Implications

176. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

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

- Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

- Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: Objects to this application on the grounds of overdevelopment of the plot, an overbearing impact on neighbouring properties, potential overlooking, and highway concerns relating to access and vehicle movements. Members noted that a similar proposal on this site has previously been refused for comparable reasons

Rochford District Council Arboricultural Officer: No objections

Essex County Council Highways Authority: Has undertaken a site visit, reviewed the submitted information and confirms that its recommendation is consistent with that provided for a similar previous proposal. As statutory consultee, the Highway Authority raises no objection to the subdivision of the site and the creation of one additional dwelling with a new vehicular access and off-street parking, subject to planning conditions. These require the access to be constructed at right angles to the highway with a 3.6m wide dropped-kerb crossover, prohibit loose surfacing near the highway, secure two policy-compliant parking spaces and covered cycle parking, require the provision of a Residential Travel Information Pack, and ensure that construction materials are stored within the site clear of the highway. The Highway Authority advises that any works within the public highway would require separate consent from Essex Highways.

Essex County Council Place Services Ecology: Has reviewed the Preliminary Ecological Assessment prepared by ACJ Ecology (June 2026) and is satisfied that sufficient ecological information has been submitted to enable the Local Planning Authority to determine the application. Subject to the implementation of the mitigation measures identified within the assessment, the proposal would not result in unacceptable harm to designated sites, protected species or Priority habitats. The mitigation measures should be secured by condition and implemented in full to ensure the conservation and enhancement of biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Policy DM27 of the Development Management Plan and the relevant provisions of the National Planning Policy Framework.

The site lies within the Essex Coast RAMS Zone of Influence and, as such, a financial contribution of £175.55 per residential unit (2026/27 tariff) is required to mitigate the in-combination recreational impacts of new residential development on the Essex Coast Habitats Sites. This contribution should be secured through a planning obligation prior to occupation. Place Services has also advised that the proposal is exempt from the mandatory 10% Biodiversity Net Gain requirement, as it relates to a single self-build dwelling on a site of less than 0.5ha. Nevertheless, reasonable biodiversity enhancements are recommended and should be secured through a Biodiversity Enhancement Strategy by condition. Subject to these measures and conditions, the ecological impacts of the development can be satisfactorily mitigated and the proposal is considered acceptable from an ecological perspective.

5 letters of representation received

- The proposal is considered to represent an overdevelopment of a constrained residential plot, introducing a separate dwelling, associated parking, vehicular access and increased residential activity onto land historically forming part of the rear garden of an existing dwelling.
- Objectors consider that, despite revisions to the design and layout, the fundamental constraints of the site remain unchanged and the proposal continues to represent an inappropriate form of backland development that fails to respect the established character and spatial pattern of Rosslyn Close.
- Reference is made to the previous refusal of application 26/00001/FUL, where concerns were raised regarding the cramped and visually compressed nature of the development, failure to respect prevailing plot widths and spacing between dwellings, and the harmful impact on the character of the area. Objectors consider these concerns have not been overcome.
- Concerns are raised that Rosslyn Close is characterised by detached dwellings within relatively spacious plots, with gaps and separation between buildings contributing positively to the street scene. The proposed dwelling is considered to erode this established pattern of development and urban grain.
- Objectors consider that amendments to the external appearance, materials and design approach are largely cosmetic and do not address the underlying issue of whether the site is capable of accommodating an additional dwelling without unacceptable impacts on character and amenity.
- Concerns are raised regarding the impact on neighbouring residential amenity, including potential overlooking, loss of privacy and changes to established outlooks, particularly for properties adjoining the site. The introduction of a permanent dwelling adjacent to existing rear gardens is considered to materially alter existing residential relationships.
- Concerns are raised regarding potential changes in site levels, the positioning of windows and the effectiveness of boundary screening in mitigating overlooking and privacy impacts. Temporary structures

currently providing screening are not considered relevant as they do not form part of the permanent proposal.

- Objectors raise concerns regarding additional noise and disturbance associated with both the construction phase and the permanent intensification of the site, including contractor vehicles, deliveries, machinery, dust and general disruption to neighbouring residents.
- Highway and parking concerns are raised regarding the proposed access from Rosslyn Close, with objectors questioning whether the revised proposal has materially addressed previous concerns regarding access arrangements. Concerns are also raised that the development would reduce existing on-street parking availability for residents and visitors.
- Concerns are expressed regarding construction traffic, contractor parking and the limited capacity of Rosslyn Close, which is a cul-de-sac with restricted manoeuvring space. Potential impacts on pedestrian safety, including children using the close, are highlighted.
- Objectors note that this represents the third application for development of the land and express disappointment that there has been no direct engagement by the applicant with adjoining residents to discuss concerns regarding boundaries, privacy, access and residential impacts.
- While acknowledging that ecological information has now been submitted, objectors consider that ecological matters do not overcome the wider planning concerns regarding overdevelopment, harm to the character of Rosslyn Close, highway implications and impacts on neighbouring residential amenity. Overall, representations request refusal on the basis that the revised proposal does not overcome the previous reasons for concern.
- Proposed dwelling is positioned too close to the south-east boundary rather than being more centrally located within the plot.
- The front building line has been set back to about 6m from the pavement and the dwelling is around 0.99m deeper than the previous application, resulting in the rear being about 2m further back.
- A log burner and chimney are proposed adjacent to the neighbour's bedroom window, raising concerns about smoke, emissions and air quality; relocation to the opposite side of the dwelling is suggested.
- The dwelling is shown approximately 1m from the south-east boundary and 1.25m from the north-west boundary; the neighbour argues the greater distance should be provided on their side.
- Positioning the house close to one boundary is considered likely to create a cramped, unbalanced street scene within Rosslyn Close.
- The scheme is viewed as resembling a former annex proposal and creating a narrow, shaded side passage that would feel cramped and represent overdevelopment of the site.
- Questions are raised about the suitability and location of the proposed soakaway, particularly given London Clay soils, a high water table and the fall of the land.
- Concerns about noise, disturbance, traffic disruption and obstruction of the turning head during construction, especially as the objector works from home.

- The dwelling would be only 1m from the shared boundary, creating concerns about damage to the recently replaced fence, gate post and possible implications for foundations and party wall matters.
- Fear that the proposal could facilitate an additional dwelling on the remaining land, resulting in two new properties between Nos. 58 and 62 Rosslyn Close.
- Loss of at least one on-street parking space near the turning head could worsen parking pressure and affect access to the objector's driveway and garage.
- Requests that mud, debris and any damage to pavements or surrounding areas be properly managed and reinstated.
- The external appearance is considered attractive, but the chimney extending above the roofline remains a specific environmental concern.
- The objector considers the site would be better suited to a single detached dwelling positioned centrally between Nos. 58 and 62 Rosslyn Close.

Relevant Development Plan Policies:

National Planning Policy Framework (August 2026).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, ENV1, T8

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: <u>APPROVE</u>

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans Plan 1 of 5 (Floor Plan) (as per date stated on plan 3rd August 2026), Plan 2 of 5 (Elevations) (as per date stated on plan 3rd August 2026), Plan 3 of 5 (Location and Site Plan) (as per date stated on plan 30th June 2026), and Plan 4 of 5 (Section) (as per date stated on plan 30th June 2026).

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

3. Notwithstanding the plans hereby approved prior to its use, details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

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

4. Notwithstanding the plans hereby approved no development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the Local Planning Authority.

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

5. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:

   - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
   - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
   - Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

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

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

   - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
   - existing trees to be retained;
   - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
   - paved or otherwise hard surfaced areas;
   - existing and finished levels shown as contours with cross-sections if appropriate;
   - means of enclosure and other boundary treatments;
   - car parking layouts and other vehicular access and circulation areas;
   - minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc;
   - existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

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

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

7. The proposed dwelling shall be constructed to meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day and evidence to confirm that this has been achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to its first beneficial occupation.

   REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations

in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying that Order, no development within Classes A, B, C, D, E and F of Part 1 of Schedule 2 shall be carried out without the prior written permission of the Local Planning Authority.

   REASON: The site is relatively constrained in terms of its size, layout and relationship to adjoining properties and the public realm. The Local Planning Authority considers that uncontrolled extensions, roof alterations, outbuildings, hardstandings and other permitted development could result in overdevelopment of the plot, inadequate amenity space, harm to the character and appearance of the area, and potential impacts on neighbouring residential amenity and parking provision. The condition is therefore necessary in the interests of the proper planning of the area and to ensure compliance with Policies DM1, DM3 and DM30 of the Rochford District Development Management Plan and the National Planning Policy Framework.

9. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

   1. into the ground (infiltration);
   2. to a surface water body;
   3. to a surface water sewer, highway drain, or another drainage system;
   4. to a combined sewer. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

   REASON: To secure proper drainage and to manage the risk of flooding and pollution.

10. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in

writing by the Local Planning Authority before any further works within the exclusion zone taking place

REASON: To safeguard protected species in accordance with the NPPF.

11. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years following completion of construction. Prior to the first occupation of the dwelling the Council shall be notified in writing of the person(s) who will take up first occupation of the dwelling.

    REASON: The development permitted was exempt from mandatory biodiversity net gain as set out in the Environment Act 2021 due to it being a self-build development. This condition is required to ensure the development is a self-build in accordance with the definition. If the development was not self-build mandatory biodiversity net gain would be required.

12. Prior to first occupation of the dwelling and as shown in principle on planning drawing 'Location & Site Plans 3 of 5' the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Final layout details to be agreed with the Local Planning Authority and the Highway Authority.

    REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with policy DM1.

13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

14. Prior to first occupation of the development, and as shown in principle on planning drawing 'Location & Site Plans 3 of 5', the dwelling shall be provided with two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

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

15. 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.

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

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

17. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

    REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

18. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, June 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

    This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

20. No development, including site clearance and groundworks, shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period.

The CMP shall include details of:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant, materials and equipment used in constructing the development;
- measures to minimise the deposit of mud, dust, debris or other material onto the public highway and footways, including arrangements for the regular inspection and cleaning of affected areas where necessary;
- measures for the suppression and control of dust, noise and vibration arising from construction activities;
- the erection and maintenance of any temporary boundary protection or hoarding;
- the routing of construction vehicles to and from the site;
- measures to ensure that construction vehicles do not obstruct Rosslyn Close, the turning head, footways, pedestrian routes or neighbouring accesses;
- the location of any contractor welfare facilities;
- a scheme for the collection and disposal of construction waste;
- details of any temporary external lighting required during construction; and

- the proposed hours of construction, including deliveries and collections, which shall not take place outside 08:00-18:00 Mondays to Fridays, 08:00-13:00 on Saturdays, and not at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Management Plan.

REASON: In the interests of highway safety, pedestrian safety and neighbouring residential amenity, and to minimise disturbance during the construction phase, in accordance with Policies DM1, DM3 and DM30 of the Rochford District Development Management Plan and the National Planning Policy Framework.

21. The bathroom window hereby approved shall be fitted with obscure glazing to a minimum level of privacy equivalent to Pilkington Level 3 (or equivalent), and shall be permanently retained in that condition. The window shall be incapable of being opened below a height of 1.7 metres above finished floor level.

REASON: To protect the privacy and amenity of adjoining and neighbouring occupiers, in accordance with policy DM1 of the Rochford District Development Management Plan.

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr P Capon Cllr G Wheeler

Application No:	26/00071/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish:	Great Wakering Parish Council
Ward:	Foulness And The Wakerings
Location:	Crouchmans Court Poynters Lane Great Wakering
Proposal:	Rebuild original extension and convert existing vacant barn into 2no Commercial Units with associated car parking (class E) amended application to include BNG and ecological reports

SITE AND PROPOSAL

1. The site comprises a vacant, single storey barn finished in partially painted brickwork with a tiled roof. The existing barn is situated to the east of the units as Crouchmans Business Yard. Access to the barn is taken via the business yard through an undercroft to an unnamed road that leads to Poynters Land to the south.

2. The site is located in the Metropolitan Green Belt, with undeveloped fields immediately to the north and west. To the east is Crouchmans Business Yard comprising business units and one unit used as a non-residential institution, whilst to the there are residential properties.

3. The proposal seeks permission to rebuild an extension and convert the existing vacant barn into 2no. commercial units with associated car parking.

RELEVANT PLANNING HISTORY

- Application No. 20/00781/FUL - Retrospective application to convert stables to commercial units (Class B1) – Approved – 4th November 2020.

- Application No. 25/00488/FUL - Rebuild original extension and convert existing vacant barn into 2no Commercial Units with associated car parking (class E) – Refused – 2nd October 2025. Reasons for refusal:

  "The application fails to provide sufficient ecological information to enable the Local Planning Authority (LPA) to fully assess the likely impacts of the proposed development on protected species, specifically bats and Great Crested Newts, both of which are European Protected Species. In the absence of up-to-date and site-specific ecological surveys - including a Preliminary Roost Assessment for the existing building and appropriate habitat assessments - the LPA cannot be satisfied that the development would not result in harm to protected species or their habitats.

  This is contrary to paragraph 99 of ODPM Circular 06/2005, which requires that the presence or likely absence of protected species and the extent to which they may be affected by a proposed development must be established prior to the granting of planning permission. The failure to provide this information is also contrary to the Government's Standing Advice on protected species and ecological surveys, and it prevents the LPA from discharging its duties under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended).

  In the absence of this necessary ecological information, the proposal is also considered contrary to the principles of the National Planning Policy Framework (2024) (NPPF), which require the planning system to contribute to and enhance the natural and local environment by protecting and mitigating harm to biodiversity".

  "The application fails to demonstrate compliance with the statutory requirements for Biodiversity Net Gain (BNG), as set out in the

Environment Act 2021 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant has claimed a de minimis exemption on the basis that the development does not extend the existing building footprint. However, insufficient evidence has been provided to justify this exemption.

Aerial imagery and site context suggest that significant vegetation clearance took place in October 2023, which may constitute habitat degradation since the statutory baseline date of 30 January 2020. As such, the development is likely to have impacted more than 25 square metres of on-site habitat, thereby exceeding the threshold for the de minimis exemption. In the absence of a completed biodiversity metric calculation, habitat plans, or supporting evidence of the site's pre-development biodiversity value, the Local Planning Authority cannot be satisfied that the exemption applies.

Consequently, the development is subject to mandatory BNG requirements. No Biodiversity Gain Plan or supporting documentation has been submitted to demonstrate how a measurable net gain in biodiversity will be achieved. The proposal therefore fails to comply with paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021), the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and relevant guidance on delivering biodiversity net gain.

The failure to provide this information prior to determination prevents the LPA from discharging its statutory duties and securing a biodiversity gain condition, and as such, the application is contrary to national planning policy and statutory biodiversity objectives".

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Background Information

6. As previously outlined, the applicant submitted a prior application (25/00488/FUL) seeking permission for a broadly similar form of development. That proposal was refused for the reasons set out above, which related in part to identified ecological constraints and the insufficiency of information to demonstrate compliance with Biodiversity Net Gain (BNG) requirements.

7. In seeking to address these earlier concerns, the current submission is accompanied by additional and more detailed ecological information, including updated assessments and further material relating specifically to BNG. This information is intended to clarify baseline conditions, quantify impacts, and demonstrate how the proposed mitigation and enhancement measures would secure measurable biodiversity improvements. The adequacy and effectiveness of this additional material, and the extent to which it overcomes the previous reasons for refusal, are examined in detail within the relevant sections of this report.

Principle of the Development

8. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

9. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.

10. The lawful use of the site is agricultural. This application proposes to change the use of the site to Use Class E as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended), providing a flexible unit for commercial, business and/or services. The site is located immediately to the west of an established small enterprise, Crouchmans Court Business Yard, and the application site is proposed to be an extension of the business enterprise, with access required and to be provided through the yard.

11. Policy ED1 of the Core Strategy affirms "…the Council will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity". The Rochford District Economic Growth Strategy (RDCGS) 2025-2028 identifies key actions to increase business occupancy and attract new businesses to the borough, providing modern commercial space.

12. Employment opportunities in the Green Belt are supported in Policy DM13 of the Development Management Plan which highlights the reuse or adaptation of existing agricultural and rural buildings in the Green Belt subject to appropriate scale, design and siting that would not harm the character of the countryside and protect nature conservation interest.

13. Therefore, subject to the assessment below, the principle of the development can be found acceptable as it complies with policy ED1 of the Core Strategy and Policy DM13 of the Development Management Plan.

Green Belt

14. The application site is located wholly within the Metropolitan Green Belt, as defined in the adopted Rochford Local Development Framework Proposals Map**.** Policy GB1 of the Core Strategy seeks to protect the Green Belt. It is imperative to establish if the proposal is inappropriate development in the Green Belt and whether there are any other considerations sufficient to clearly outweigh the harm caused by the development in this Green Belt location. Additionally, it is important to consider the impact on the character and appearance of the surrounding area, neighbouring occupiers and highway safety.

15. The NPPF identifies the fundamental purposes of Green Belt policy, including checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting urban regeneration through the recycling of derelict and other urban land. These purposes remain relevant to the consideration of development within the Green Belt and to the assessment of whether a proposal would conflict with the objectives and openness of the Green Belt.

16. The revised Framework now sets out national decision-making policy for Green Belt development principally through Policy GB6 (Control of Development in the Green Belt) and Policy GB7 (Development which is not inappropriate in the Green Belt). Policy GB6 establishes that development in the Green Belt is inappropriate unless it falls within one of the categories identified in GB7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. Where that test is engaged, substantial weight is to be given to the harm to the Green Belt, including harm to its openness.

17. Of particular relevance to the proposal is Policy GB7, which identifies categories of development that are not inappropriate in the Green Belt and therefore do not require the applicant to demonstrate Very Special Circumstances. This includes the re-use, extension, alteration or replacement of an existing building, subject to the requirements of the policy. In the case of an extension or alteration, the relevant consideration is whether the works would result in a disproportionate increase in size over and above the size of the original building, having regard to the definition and application of that term within the revised Framework.

18. The proposal comprises the extension and alteration of an existing building and therefore falls to be considered against Policy GB7. The principal Green Belt issue is whether the proposed works satisfy the requirements of GB7 so that the development is not inappropriate. Where those requirements

are met, the proposal is not inappropriate development in the Green Belt and the Very Special Circumstances test in GB6 is not engaged.

19. In assessing the proposal, consideration should be given to the scale of the building as relevant under the revised Framework, together with the cumulative effect of the proposed works and any previous additions or alterations where relevant to the assessment. The assessment should not simply consider the proposed extension in isolation, but should establish whether the resulting building would represent a disproportionate increase in size when assessed against the original building in accordance with the definition provided by the August 2026 Framework.

20. The fact that development is not inappropriate under Policy GB7 does not, however, remove the need to consider its effect on the openness of the Green Belt and the purposes of including land within the Green Belt. Those matters remain material considerations in determining whether the proposal accords with the Framework as a whole, together with the relevant development plan policies and other material considerations.

21. Policy GB7 of the August 2026 NPPF also identifies other forms of development which are not inappropriate in the Green Belt, subject to the specific requirements set out in the policy, including where relevant the need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The proposed development has been assessed against the categories of development identified in Policy GB7 and is not considered to fall within any of the other specified forms of development which would be regarded as not inappropriate in the Green Belt. The proposal therefore falls to be assessed against the specific provision of Policy GB7 relating to the extension or alteration of an existing building.

22. There is no planning history associated with the existing building to determine its original floorspace. As stated within the supporting text for Policy DM13, where there are no original plans or plans for extensions in the planning records, the Council will assume that the current building is original.

23. A review of aerial images from May 2025 shows the lean-to structure that has been demolished and following a site visit, confirmed that the footings and slab of the demolished extension are still in situ. The proposal seeks to erect a new extension and would not create additional floorspace above what was present in May 2025. Policy DM10 supports proposals for redevelopment of previously development land in the Green Belt. The proposed single-storey extension would therefore not harm the openness of the Green Belt spatially and the flat roof design would have a similar scale to the previous extension and would not visually harm the openness of the Green Belt.



(Google aerial images, dated May 2025)

24. Policy DM13 of the Development Management Plan also supports the reuse or adaption of existing agricultural and rural buildings in the Green Belt provided that:

(i) *the application relates to an existing building of permanent and substantial construction;*

Officer comment: The existing building is finished in brickwork and concrete tiles and following a site visit, confirmed that the building is of a permanent and substantial construction.

(ii) *the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;*

Officer comment: The proposed commercial units would utilise the existing access through Couchmans Business Yard onto Poynters Lane. The creation of two small commercial/business units would not generate significant amount of traffic that would materially affect the openness of the Green Belt and highway network.

(iii) *the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;*

Officer comment: The proposal seeks an extension in place of a previous extension that would not exceed the footprint of the original building.

(iv) *would not have an undue impact on residential amenity;*

Officer comment: The scale and nature of the proposal would not impact residential amenity in terms of appearing overbearing, loss of privacy, loss of sunlight and noise and disturbance.

(v) *there would be no detrimental impact on nature conservation or historic environment interests;*

Officer comment: The proposed extension is not anticipated to have a detrimental impact on nature conservation or historic environment interests.

(vi) *where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should…etc*

Officer comment: This criterion is not applicable as the proposal would not convert a nationally or locally listed agricultural and rural building.

(vii) *The conversion of existing agricultural and rural buildings for residential uses…etc*

Officer comment: This criterion is not applicable as the proposal would not be converted for residential use.

25. Given the above, it is considered the proposal satisfies the criteria for the conversion of an existing agricultural building in the Green Belt, would not present disproportionate additions to the original building and would not harm the openness of the Green Belt, in accordance with Policy GB1 of the Core Strategy, Policy DM13 of the Development Management Plan, and the NPPF.

Design

26. The character, appearance and visual quality of the built environment are key considerations under Policies CP1 and DM1. These policies require development to respond positively to its context, reinforce local distinctiveness, and demonstrate high-quality design that is appropriate in terms of scale, massing, form, materials and detailing. While the application also seeks consent for a change of use, this section of the assessment is concerned solely with the design and visual implications of the proposed physical works.

27. The proposal includes the construction of a single-storey rear extension, utilising the existing footings and slab from the previous extension. The extension would be modest in scale, with a flat roof reaching an approximate height of 2.9m. Its limited height and single-storey form, together with its siting to the rear of the property, ensure that it would appear clearly subservient to the host building. It would not compete with or disrupt the primary built form and would remain largely contained from wider public views.

28. In terms of materiality, the extension would be finished in brickwork and glazing to match the existing building. This approach would secure visual continuity and ensure that the addition integrates cohesively with the established palette of materials. The simplicity of the flat-roof design further reinforces its ancillary nature, avoiding unnecessary bulk or visual

prominence. Overall, the scale, siting and design treatment of the extension are considered proportionate and sympathetic to the character of the host building.

29. The proposal also seeks a number of alterations to the existing structure. These include the insertion of additional rooflights to the front and rear roof slopes, the introduction of gable windows within the side elevations, and the installation of new doors and glazed windows to the front elevation. The additional rooflights would be read as minor interventions within the roofscape and, subject to appropriate positioning and detailing, would not materially disrupt the building's overall composition or visual balance. The gable windows would be contained within the side elevations and would not alter the fundamental form, scale or proportions of the building.

30. Alterations to the front elevation would introduce new door and window openings to facilitate the internal reconfiguration of the building. From a design perspective, the acceptability of these changes rests on their ability to maintain a coherent and well-proportioned façade. The revised openings are considered to be modest in scale and capable of being detailed in a manner that respects the established rhythm and hierarchy of the elevation. The changes would not result in a fragmented or incongruous frontage, and the overall architectural character of the building would be retained.

31. When considered cumulatively, the proposed extension and external alterations represent a proportionate and contextually responsive set of works. They would preserve the character and appearance of the host building and would not give rise to harm to the wider street scene or surrounding area. Accordingly, in design terms, the development is considered to accord with the objectives of Policies CP1 and DM1.

Residential Amenity

32. The NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.

33. The nearest residential property is situated approximately 5.3m to the south of the proposed rear extension. The single storey flat roof extension would not appear overbearing and would not create a loss of sunlight to the neighbouring property. The two rear windows in the rear extension are at a height that would not result in a loss of privacy and the 1.8-metre-high timber fencing along the southern boundary would screen views to the neighbouring dwelling.

34. The proposed two commercial units are of a scale that is not considered to generate a significant impact on residential amenity and would not have a greater impact than the neighbouring commercial units. The

allocated parking spaces would be approximately 18m from the southern boundary and not anticipated to harm amenity in terms of noise, disturbance and light.

Highways

35. Policy DM1 and Policy DM3 require that development proposals provide sufficient car parking and ensure that access arrangements are safe, efficient, and convenient for all users. Policy DM30 complements this by requiring development to contribute to an accessible environment, with vehicle parking provision consistent with the Council's adopted standards, ensuring that developments do not exacerbate parking stress or compromise highway safety.

36. The proposed development comprises two commercial units, each approximately 98sqm in floorspace, with flexible Use Class E designation. The supporting Planning Statement clarifies that the units are intended primarily for flexible employment use, falling under Class E(g) or, potentially, uses comparable with light industrial or storage operations previously classified as B2 or B8. Given the likely operational characteristics, including employee and visitor movements as well as occasional servicing by light commercial vehicles, the parking demand assessment has been informed by the Essex County Council Parking Standards Design and Good Practice. Under this guidance, a minimum of one short-stay/visitor parking space per 200sqm of floorspace and one long-stay/employee space per 100sqm is required. Applying these standards to the combined 196sqm floorspace yields a requirement for approximately four parking spaces. The proposal provides six off-street parking spaces, exceeding the minimum requirement. This surplus allows flexibility to accommodate staff, visitors, and occasional deliveries or service vehicles, reducing the likelihood of overspill parking onto the public highway.

37. All parking would be located within existing hardstanding and yard areas, with no additional surfacing proposed. This ensures that the development utilises the established operational footprint of the site, limits environmental impact, and avoids unnecessary encroachment into open areas or landscaped boundaries.

38. Access to the site would continue to be taken via the existing undercroft arrangement through the business yard, connecting to the unnamed road that leads south to Poynters Lane. The use of the established access is significant because it avoids the creation of new access points, which could increase turning conflicts, reduce highway safety, and impact local traffic flow. The yard layout provides sufficient space for vehicles to manoeuvre and for light commercial vehicles to service the units without reliance on the public highway, further mitigating potential congestion or safety issues.

39. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway

safety, or where residual cumulative impacts on the network would be severe. The proposed development represents a modest intensification of the existing business activity. While additional vehicle movements would occur, the scale of the units and the limited floorspace mean that the number of trips generated is unlikely to be significant in the context of the local highway network. Any increase in traffic would be modest and consistent with the existing use of the yard, and therefore would not materially affect local traffic conditions or highway safety.

40. The County Council Highway Officer has reviewed the proposal and confirmed that the development is acceptable from a highways perspective. The Highway Officer noted that the proposal provides appropriate off-street parking, that the access arrangements are already established, and that the development would not give rise to conditions that would compromise highway safety or the operation of the local road network. The consultation response reflects a detailed assessment of visibility splays, vehicle manoeuvring, servicing requirements, and the potential for cumulative impacts with nearby developments.

41. In conclusion, the proposed development provides adequate parking in accordance with adopted standards, utilises established and safe access arrangements, and incorporates sufficient space within the site for vehicle manoeuvring and servicing. The likely traffic generation is modest and would not create unacceptable pressures on the local highway network. The proposal therefore meets the requirements of Policy DM1, Policy DM3, and Policy DM30, and is consistent with the principles of sustainable and safe transport set out in the National Planning Policy Framework. On balance, no highways objection or safety concern arises, and the development can be accommodated without adverse impact on the local highway network.

Flooding

42. According to the Environment Agency's Flood Map for Planning, the southern part of the site, where the proposed extension is located, falls within Flood Zone 2, representing a medium probability of flooding from rivers or the sea. The remainder of the site is within Flood Zone 1, representing a low probability of flooding from rivers or the sea.

43. Policy F4 of the August 2026 NPPF requires flood risk to be considered at all stages of the planning process and for development proposals in areas at risk of flooding to be supported by an appropriate assessment of flood risk, proportionate to the scale, nature and location of the development.

44. Policy F5 sets out the Sequential Test, which seeks to steer new development towards areas with the lowest probability of flooding from any source. However, the policy expressly provides that the Sequential Test should not be applied to small non-residential extensions with a footprint of less than 250m^2. The proposal is for an extension of approximately 55m^2 to an existing commercial property and therefore falls within this specific

exclusion. Accordingly, notwithstanding that part of the site is within Flood Zone 2, the Sequential Test is not required.

45. The proposal would extend the existing commercial use and would not introduce a more vulnerable use. The scale of the extension is limited and it would substantially follow the footprint of the previous extension. Having regard to these factors, the proposal would not be expected to result in a material increase in flood risk to the site or elsewhere.

46. Policy F6 requires development in areas at risk of flooding from rivers or the sea to be appropriately located having regard to the relevant flood risk and, where applicable, the vulnerability of the proposed use. Policy F7 requires development to be safe throughout its lifetime and not increase flood risk elsewhere. Given the nature and limited scale of the proposal, and the fact that it would retain the established commercial use, it is considered that the development would not give rise to an unacceptable flood risk, subject to appropriate surface water drainage arrangements.

47. Policy F8 requires development proposals which could affect drainage on or around a site to incorporate sustainable drainage systems, proportionate to the nature and scale of the development, to manage surface water runoff and reduce the risk of flooding. In this instance, it is considered reasonable to secure the detailed surface water drainage arrangements by condition. The condition would ensure that surface water generated by the development is appropriately managed and does not result in an unacceptable increase in flood risk elsewhere.

48. The application form identifies the proposed means of foul drainage as connection to the mains sewer. Subject to the development being appropriately connected to the existing foul drainage network, there is no evidence to indicate that the proposal would give rise to an unacceptable risk of pollution or flooding arising from foul drainage.

49. Overall, whilst part of the site lies within Flood Zone 2, the proposal is a small-scale non-residential extension of approximately 55m^2 and is expressly excluded from the Sequential Test under Policy F5. The development would retain the existing commercial use and, subject to appropriate surface water drainage, would not be expected to increase flood risk on the site or elsewhere. The proposal is therefore considered to accord with the flood-risk policies of the August 2026 NPPF.

Ecology

50. The August 2026 National Planning Policy Framework (NPPF) requires planning policies and decisions to protect and enhance the natural environment, including biodiversity, and to recognise the importance of protecting and restoring habitats and ecological networks. It requires development to avoid significant harm to biodiversity and, where harm cannot be avoided, to apply the mitigation hierarchy, with avoidance of harm preferred, followed by mitigation and, where necessary, compensation. The

Framework also seeks opportunities for measurable biodiversity enhancement to be secured through development where appropriate. These requirements are reflected locally through Policy DM27 of the Rochford District Development Management Plan, which requires development proposals to demonstrate that they would not result in unacceptable harm to protected species, Priority habitats, ecological networks or the wider natural environment.

51. The statutory context is also material. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities, including Local Planning Authorities, to have regard to the purpose of conserving biodiversity when exercising their functions. Section 41 identifies habitats and species of principal importance for the conservation of biodiversity in England, which are material considerations in determining planning applications. In addition, the Local Planning Authority, as a competent authority, must have regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that the likely presence and potential impacts upon European Protected Species are properly considered before planning permission is granted. Where there is a reasonable likelihood of a protected species being present and potentially affected by development, sufficient information should be available at the determination stage to enable the relevant impacts and mitigation to be properly assessed.

52. The application is supported by a Preliminary Ecological Appraisal (PEA) prepared by Crossland Ecology and dated December 2025. The report identifies the closest statutory ecological designation as the Foulness SPA, Ramsar and SSSI, located approximately 0.7km to the east of the site. Having regard to the non-residential nature of the proposal, the separation distance involved and the limited scale of the works, the ecologist concludes that no direct or indirect effects on these designated sites are likely. The report also confirms that the site falls within the Essex Coast RAMS Zone of Influence, but notes that the proposal does not involve residential development and therefore would not give rise to recreational disturbance effects requiring RAMS mitigation.

53. In habitat terms, the site is described as being of generally low intrinsic ecological value, comprising limited areas of mixed scrub and tall ruderal vegetation with adjacent arable farmland. The report identifies the principal construction-phase risk as the loss of small areas of low-value habitat and recommends standard protective measures, including temporary fencing of retained habitats, minimisation of light spill and the use of native planting to enhance biodiversity. The PEA also recommends the preparation of a management and enhancement strategy, consistent with the Framework's objective of securing biodiversity enhancements through development where appropriate.

54. The most significant ecological issue identified by the PEA related to bats. The existing barn building (Building B1) was assessed as having moderate bat roost potential, and the report recommended that two dusk

emergence surveys be undertaken in accordance with current Bat Conservation Trust guidance before the impacts of the proposal could be fully assessed. This was a material consideration because the proposed works involve the demolition and reconstruction of part of the building and the conversion of the remaining structure, such that any roosting bats could potentially be affected.

55. Given the legal protection afforded to bats under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority considered it necessary to obtain specialist ecological advice. Essex County Council Place Services Ecology initially advised that there was insufficient ecological information to determine the application. They emphasised that the recommended dusk emergence surveys were required prior to determination in order to establish whether bats were present, assess the likely impacts of the proposal and, if necessary, identify appropriate mitigation measures. Place Services referred to Government Standing Advice and ODPM Circular 06/2005, which support the principle that protected species considerations should be addressed at the planning determination stage rather than deferred without adequate justification to a subsequent licensing process. In the absence of sufficient ecological information, the Local Planning Authority could not have robustly assessed the potential effects on bats.

56. In response, the applicant submitted a Bat Emergence Survey Report prepared by Crossland Ecology and dated July 2026. The survey recorded no bats emerging from Building B1, and the building was therefore assessed as likely to be absent of bat roosts. The only activity recorded comprised occasional passes by common pipistrelle and soprano pipistrelle bats, together with a single barbastelle pass, indicating very limited commuting or foraging activity within the wider area rather than use of the building as a roost. On the basis of these findings, the ecologist concluded that the proposed demolition and conversion works would not result in adverse effects on roosting bats.

57. The bat survey nevertheless recommends a sensitive lighting strategy, including the avoidance of direct illumination of retained vegetation, the use of warm white LED lighting and the maintenance of very low lux levels along boundary habitats. These measures are proportionate to the level of recorded bat activity and provide an appropriate means of avoiding or minimising potential effects on bats and their commuting and foraging habitat.

58. Following submission of the additional survey work, Essex County Council Place Services Ecology were reconsulted and confirmed that they were satisfied that sufficient ecological information was available to support determination of the application. They further advised that they had considered the likely impacts on European Protected Species and the relevant licensing considerations. Place Services concluded that, subject to securing the mitigation measures identified in the PEA and the implementation of a Precautionary Biodiversity Method Statement, the proposal could be made acceptable in ecological terms.

59. Substantial weight is attached to this specialist advice. The ecological assessment has evolved from an initially incomplete evidence base to one that now includes the necessary bat survey information and a clear package of mitigation and enhancement measures. The Local Planning Authority is therefore no longer being asked to determine the application in the face of unresolved uncertainty regarding the presence of roosting bats.

60. The proposal would result in the loss of limited areas of low-value vegetation, but the evidence does not indicate that any Priority habitats, significant ecological networks or protected species populations would be adversely affected. The recommended native planting, sensitive lighting, biodiversity enhancements and precautionary working methods provide a proportionate response to the scale and nature of the development and accord with the Framework's approach of avoiding and minimising ecological impacts while securing appropriate opportunities for enhancement.

61. Having considered the Preliminary Ecological Appraisal (Crossland Ecology, December 2025), the Bat Emergence Survey Report (Crossland Ecology, July 2026), the consultation responses from Essex County Council Place Services Ecology, and the relevant statutory and policy framework, it is concluded that sufficient ecological information is now available to enable a lawful and robust determination of the application. The evidence demonstrates that the building is unlikely to support a bat roost, that significant impacts on protected species, Priority habitats and designated sites are not anticipated, and that appropriate mitigation and enhancement measures can be secured by condition.

62. Subject to conditions requiring implementation of the ecological mitigation measures, a sensitive lighting scheme, a Precautionary Biodiversity Method Statement and appropriate biodiversity enhancement measures, the proposal would protect and enhance biodiversity and avoid unacceptable harm to protected species, habitats and designated sites. The proposal would therefore accord with the relevant biodiversity and natural environment provisions of the August 2026 NPPF, Policy DM27 of the Rochford District Development Management Plan, Section 40 of the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2017 (as amended). On this basis, no ecological objection is raised.

BNG

63. Biodiversity Net Gain (BNG) is a statutory mechanism intended to secure measurable improvements in biodiversity through the planning process. Schedule 7A of the Town and Country Planning Act 1990, inserted by the Environment Act 2021, establishes the statutory biodiversity gain condition and, subject to prescribed exemptions, requires development to achieve a minimum 10% increase in biodiversity value compared with the pre-development biodiversity value.

64. The application was validated on 24 February 2026. Accordingly, the statutory BNG requirements applicable to applications made before 6 August 2026 apply to this proposal. The subsequent changes to the statutory BNG regime which came into force on 6 August 2026, including the new exemption for development on sites of 0.2 hectares or below, do not apply retrospectively to this application. The proposal must therefore be considered under the BNG legislation and exemptions applicable at the date of application.

65. The statutory BNG regime operates alongside the biodiversity policies of the August 2026 NPPF. The revised Framework requires development to protect and enhance biodiversity, apply the mitigation hierarchy where significant harm is identified and provide appropriate opportunities for measurable biodiversity enhancement. The statutory requirement to achieve biodiversity gain should therefore be distinguished from the wider ecological objectives of the NPPF and Policy DM27 of the Rochford District Development Management Plan.

66. In this case, the applicant has submitted a Biodiversity Net Gain Assessment prepared by Crossland Ecology (December 2025) together with the Statutory Biodiversity Metric Calculation Tool (December 2025). These documents have been reviewed by Essex County Council Place Services Ecology, who have also been reconsulted following receipt of the additional ecological information.

67. Place Services advise that the submitted metric calculations, habitat maps and supporting assessment provide sufficient information at application stage to enable the Local Planning Authority to conclude that the proposal is capable of meeting the statutory biodiversity gain requirement. This assessment does not constitute approval of the Biodiversity Gain Plan itself. Rather, it establishes whether there is sufficient information and certainty that a compliant Biodiversity Gain Plan can subsequently be secured and implemented through the statutory biodiversity gain condition.

68. The ecological evidence identifies both habitat creation and habitat enhancement measures within the site. In particular, the proposed post-intervention habitat mosaic includes the creation of other neutral grassland and enhancement of mixed scrub habitat. Place Services consider the submitted post-intervention values to be generally realistic and deliverable and have not identified any obvious overstatement of habitat condition, strategic significance or temporal assumptions within the metric. Significant weight is attached to this specialist advice.

69. A material consideration is whether the proposed habitat works constitute significant onsite enhancements for the purposes of the statutory BNG regime. Where significant onsite habitat enhancements are relied upon to deliver biodiversity gain, they are required to be secured and maintained for a minimum period of 30 years. The proposed grassland creation and scrub enhancement are therefore not simply matters of initial planting; where relied upon as significant onsite gains, their long-term management, monitoring and

maintenance are integral to the delivery and permanence of the biodiversity gain claimed.

70. The submitted information demonstrates that the proposal is intended to deliver biodiversity gain primarily through onsite measures, rather than relying upon offsite biodiversity units or statutory biodiversity credits. This is a positive aspect of the scheme and is consistent with the objective of securing biodiversity improvements within the development site where practicable. Nevertheless, the effectiveness of those measures will depend upon appropriate implementation and the securing of a robust long-term management and monitoring framework.

71. Place Services have identified the information that will need to accompany the future Biodiversity Gain Plan, including the completed Government template, final metric calculations, pre- and post-development habitat plans and, where relevant, information concerning habitat degradation or irreplaceable habitat.

72. They also advise that a Habitat Management and Monitoring Plan (HMMP) will be required where significant onsite enhancements are relied upon, together with an appropriate mechanism to secure their management and monitoring for at least 30 years.

73. It is important to distinguish between mandatory statutory BNG and wider biodiversity enhancement. The statutory BNG requirement is concerned with achieving the required increase in biodiversity value calculated using the statutory biodiversity metric. Separate enhancement measures for protected, Priority and threatened species may nevertheless be appropriate to address wider ecological considerations and assist the Local Planning Authority in discharging its duty under Section 40 of the Natural Environment and Rural Communities Act 2006. Place Services therefore recommend that these additional measures be secured through a separate Biodiversity Enhancement Strategy, rather than being conflated with the statutory BNG calculations.

74. The August 2026 NPPF provides the current national planning policy context for biodiversity and requires development to minimise adverse impacts on biodiversity, apply the mitigation hierarchy and secure appropriate opportunities for biodiversity enhancement. The submitted ecological information should therefore be considered both in terms of the statutory BNG requirement and the wider biodiversity objectives of the revised Framework. The proposal must also be assessed against Policy DM27 of the Rochford District Development Management Plan, which seeks to ensure that development does not result in unacceptable harm to protected species, Priority habitats, ecological networks or the wider natural environment.

75. From a planning perspective, the key consideration at this stage is not whether every operational detail of the 30-year management regime has been finalised, but whether there is sufficient evidence that the development is capable of achieving the statutory biodiversity gain requirement and whether

the remaining details can properly be secured through the statutory Biodiversity Gain Plan process and associated management arrangements. The metric has been independently reviewed, the proposed habitat enhancements are considered realistic and deliverable, and an appropriate framework for long-term management and monitoring has been identified. On the evidence available, that threshold is met.

76. In conclusion, having carefully considered the submitted Biodiversity Net Gain Assessment and Statutory Biodiversity Metric, together with the consultation response from Essex County Council Place Services Ecology, officers are satisfied that sufficient information has been provided to demonstrate that the development is capable of delivering the statutory minimum 10% biodiversity net gain required by Schedule 7A of the Town and Country Planning Act 1990. The fact that the application was validated on 24 February 2026 means that the later BNG exemptions introduced from 6 August 2026 do not alter the statutory position applicable to this application.

77. The proposed habitat creation and enhancement measures are considered realistic, proportionate and capable of implementation, subject to the statutory Biodiversity Gain Plan process and, where significant onsite enhancements are relied upon, appropriate long-term management and monitoring arrangements. Additional biodiversity enhancements for protected, Priority and threatened species can appropriately be secured through a separate Biodiversity Enhancement Strategy. Subject to these safeguards, the proposal is considered to accord with the statutory BNG regime, the relevant biodiversity provisions of the August 2026 NPPF, Policy DM27 of the Rochford District Development Management Plan and Section 40 of the Natural Environment and Rural Communities Act 2006. No objection is therefore raised in relation to Biodiversity Net Gain**.**

Equalities and Diversity Implications

78. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

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

80. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

81. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Great Wakering Parish Council: No response received

Essex County Council Highways Authority: The proposal includes provision of commercial units and off-street parking. The site is accessed via an undercroft arrangement in an existing business yard. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Essex County Council Place Services Ecology: Has reviewed the Preliminary Ecological Appraisal (Crossland Ecology, December 2025), the Bat Emergence Survey Report (Crossland Ecology, July 2026), and the submitted Biodiversity Net Gain information. The Bat Emergence Survey confirms that no roosting bats are present within the building, and Place Services is satisfied that sufficient ecological information has been provided to enable the Local Planning Authority to determine the application. In doing so, the Authority has had regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and has considered the favourable conservation status test for European Protected Species.

Subject to appropriate mitigation, Place Services is satisfied that the development would not result in unacceptable harm to designated sites, protected species, or Priority habitats. The mitigation and enhancement measures identified within the Preliminary Ecological Appraisal, including sensitive lighting measures and the appointment of a suitably qualified ecological clerk of works during construction, should be secured by planning condition and implemented in full. In addition, a Precautionary Biodiversity Method Statement is recommended to safeguard reptiles during site clearance and construction works.

In relation to mandatory Biodiversity Net Gain, Place Services supports the submitted Biodiversity Net Gain Assessment and Statutory Biodiversity Metric and is satisfied that the information submitted is sufficient at application stage. The development will be subject to the statutory biodiversity gain condition, requiring the submission and approval of a Biodiversity Gain Plan prior to commencement of development. The submitted post-intervention habitat values are considered realistic and deliverable, and the proposed habitat creation and enhancement measures are capable of achieving measurable biodiversity gains.

Place Services also supports the proposed biodiversity enhancements for protected, Priority, and threatened species, which should be secured through a separate Biodiversity Enhancement Strategy by condition. Where significant on-site habitat enhancements are identified, their management and monitoring

should be secured for a period of 30 years through an appropriate planning obligation or condition. Subject to the recommended conditions and the implementation of the approved ecological mitigation, enhancement, and biodiversity net gain measures, the proposal is considered acceptable in ecological terms and compliant with the National Planning Policy Framework and the Council's statutory biodiversity duties under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (August 2026)

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ED1, ENV3

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM13, DM25, DM27, DM30

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

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this permission.

   REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans Drawing 015 Revision A (Block Plan) (as per date stated on plan 25th June 2025), Drawing 014 (Elevations) (as per date stated on plan 25th June 2025), Drawing 013 Revision A (Location Plan and First Floor Plan) (as per date stated on plan 25th June 2025) and Drawing 011 Revision A (Floor Plan) (as per date stated on plan 18th May 2025.

   REASON: For the avoidance of doubt and in the interests of proper planning.

3. The external materials to be used in the development shall match those specified on the approved plans and supporting documents, including the brickwork, roof tiles, glazing and associated external finishes.

   REASON: In the interests of the character and appearance of the building and the surrounding Green Belt area, in accordance with Policies CP1, DM1 and GB1.

4. The commercial units hereby approved shall be used only for purposes falling within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, including any use permitted by Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order.

   REASON: To ensure that the use remains compatible with the Green Belt location and neighbouring residential amenity.

5. The commercial units shall not be open to customers, employees or deliveries outside the following hours:

   - 07:00 to 19:00 Mondays to Fridays
   - 08:00 to 17:00 Saturdays
   - 10:00 to 16:00 on Sundays
   - No operation Bank Holidays.

   REASON: To protect the amenities of nearby residential occupiers, in accordance with Policy DM1.

6. Prior to the occupation of the building, details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details prior to the occupation of the building and shall thereafter be retained.

   REASON: To ensure satisfactory surface water drainage and to prevent increased flood risk.

7. Prior to the first use of the development hereby permitted, details of the means of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved foul drainage arrangements shall thereafter be implemented in full and retained in accordance with the approved details.

   REASON: To ensure that the development is adequately served by an appropriate foul drainage system and to prevent pollution and adverse impacts on the environment, in accordance with the National Planning Policy Framework (August 2026).

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Crossland Ecology, December 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

   This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

9. No development shall take place (including any demolition, ground works, site clearance) until a Precautionary Biodiversity Method Statement for protected and Priority species (reptiles) has been submitted to and approved in writing by the local planning authority.

   The content of the method statement shall include the following:

   a) purpose and objectives for the proposed works;
   b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
   c) extent and location of proposed works shown on appropriate scale maps and plans;
   d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
   e) persons responsible for implementing the works;
   f) initial aftercare and long-term maintenance (where relevant);
   g) disposal of any wastes arising from works.

   The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

   REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and s17 Crime & Disorder Act 1998.

10. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Crossland Ecology, December 2025),

shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

11. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

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

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

- initial enhancements, as set in the HMMP, have been implemented; and

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

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

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

The Council shall only issue approval of the habitat creation and enhancement works until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

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

12. Prior to the first use of the development, details in the form of location and specification shall have been submitted to and approved in writing by the Local Planning Authority in relation to Electric Vehicle Charging Point to serve each aspect of the development. The development shall subsequently be implemented in accordance with the approved details.

    REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable in compliance with the requirements set out in the Essex Parking Standards 2024 (adopted 2025).

The local Ward Member(s) for the above application is/are Cllr D S Efde Cllr G W Myers Cllr Mrs J E McPherson

Application No:	26/00100/FUL Zoning : MGB
Case Officer:	Mr Richard Kilbourne
Parish:	Canewdon Parish Council
Ward:	Roche North And Rural
Location:	Wallasea Island Wild Coast Project Creeksea Ferry Road Wallasea Island
Proposal:	Works including the installation of culvert to connect reservoir to borrowdyke and the installation of solar pump, panels and screen in the existing borrowdyke

	to feed a reservoir (proposed under application 26/00128/FUL) to form part of a Biodiversity Gain Site.

SITE AND PROPOSAL

1. In July 2009, the RSPB received planning consent from Essex County Council (ECC) for their national 'flagship' coastal habitat creation project on Wallasea Island, situated at the junction of the Crouch and Roach Estuaries in Essex. The Wallasea Island Wild Coast Project is now underway, and the first phase/cell of this project (Cell 1/Jubilee Marsh) was breached in July 2015. Substantial work has also been undertaken in Cells 3 and 5. In February 2017, the RSPB applied for an application to modify the design of the consented scheme for the remaining Cells 2 and 4 (under Section 73 (s73) which has been granted.

2. Further infrastructure works have been subject of planning approval since that time including the Installation of a floating pontoon and jetty at grassland point and the provision of a footpath on the crest of the seawall for the passenger ferry under planning reference 17/00636/FUL which was granted Planning Permission 11th September 2019. Furthermore an application proposing an extension to the existing car park and associated works including post and rail fencing, the construction of a viewing platform and alterations to the Sea wall was granted planning permission on the 27th of May under planning reference 20/00020/FUL.

3. The Wallasea Island Wild Coast Project compliments an existing managed realignment scheme on the north shore of Wallasea Island, known as Allfleet's Marsh, which was implemented in 2006. The Allfleet's Marsh project was led by the Biodiversity Division of the Department for Environment, Food and Rural Affairs (Defra). It was undertaken to create 118 hectares (ha) of new intertidal habitat in compensation for the loss of such habitats as a result of port developments that were carried out during the late 1980s and early 1990s. The RSPB now manage both the Allfleet's Marsh and the Wallasea Island Wild Coast Project areas together.

4. The current proposal Works including the installation of culvert to connect reservoir to borrowdyke and the installation of solar pump, panels and screen in the existing borrowdyke to feed a reservoir (proposed under application 26/00128/FUL) to form part of a Biodiversity Gain Site.

RELEVANT PLANNING HISTORY

5. Application No. 04/00976/FUL: Wallasea Wetlands Creation Project, Construction of Second Sea Wall, Soke Dyke and Recharge Works to Areas A and B and Breaching of Existing Seawall Application Permitted 22.02.2005

6. Application No. 06/00178/FUL: Erection of 25m Tower for Video Camera for a Period up Until June 2011 (to be Used in Connection with The Wallasea Wetland Creation Scheme) Application Permitted 10.05.2006.

7. Application No. 08/00777/PD: Royal Society for The Protection of Birds Wallasea Island Wild Coast Project: Scoping Study Permitted Development 29.12.2008.

8. Application No. 09/00010/CPO: The Importation by Sea of 7.5 Million Cubic Metres of High Quality Recovered Inert Material to Achieve, by Phased Extraction and Land raising, a Change of Use from Agricultural Land to 677 Hectares of Coastal Nature Reserve Principally Comprising Mudflats, Saltmarsh, Coastal Lagoons, Brackish Marsh, Coastal Grazing Marsh, Drier Grass Capable of Developing New Saltmarsh as Sea Levels Rise Together with the Development of 5 Bird Hides, Car Park and Associated Off Shore Unloading Facility, Conveyor and Pipeline, Material Handling Area, Sea Wall Engineering Works and Modification to Footpath Number 21, to be completed by 2019.PERCPO - No Objection (County Council) 6.02.2009

9. Application No. 11/00278/CPO: Non-Material Amendment of Planning Permission Ref ESS/54/08/ROC To Allow A Revised Design and Extent Of The Radial Conveyor/Stacker. PERCPO - No Objection (County Council) 27.05.2011.

10. Application No. 11/00280/CPO Non-Material Amendment of Planning Permission Ref ESS/54/08/ROC To Allow A Revised Location And Design Of The Footbridge Over The Sea Wall. PERCPO - No Objection (County Council): 27.05.2011.

11. Application No. 11/00283/CPO: Non-Material Amendment of Planning Permission Ref ESS/54/08/ROC To Allow A Revised Design Of The Jetty Together With Piled Supports And Revised Route For The Internal Conveyor. PERCPO - No Objection (County Council) 27.05.2011.

12. Application No. 11/00778/FUL Retain on A Permanent Basis 20m High Camera Tower For Use In Connection With The Wallsea Island Wild Coast Project PER - Application Permitted: PER -Application Permitted 16.02.2012.

13. Application No. 12/00506/CPO: Non-Material Amendment to Permission Ref ESS/54/08/ROC To Allow An Altered Design Of Cell 1 Including A Reduction In Fill Material. PERCPO - No Objection (County Council) 7.09.2012.

14. Application No. 13/00284/FUL Construct New Access Road. Realignment to South of Grapnells Farm PER - Application Permitted 11.07.2013

15. Application No. 14/00430/CM: ESS/54/08/ROC (replaced by ESS/09/14/ROC) PER - Application Permitted 14.05.2014.

16. Application No. 14/00431/CM: ESS/54/08/ROC (replaced by ESS/09/14/ROC) - Application Permitted 14.05.2014.

17. Application No. 14/00814/CM Continuation of the importation of waste to develop a coastal nature reserve without compliance with condition 2 (compliance with submitted details) attached to permission ref ESS/09/14/ROC to allow modifications to the landform design within Cells 1 and 5, including a net reduction of suitable natural waste material in Cell 1 by approximately 450,000m^3.

18. Application No. 14/00814/CM: Continuation of the importation of waste to develop a coastal nature reserve without compliance with condition 2 (compliance with submitted details) attached to permission ref ESS/09/14/ROC to allow modifications to the landform design within Cells 1 and 5, including a net reduction of suitable natural waste material in Cell 1 by approximately 450,000m3. PER - Application Permitted 31.03.2015.

19. Application No. 15/00466/CM Installation of two prefabricated viewing shelters on the seawall within the Wallasea Island Wild Coast Project area, to enhance visitor experience by providing facilities and destinations for pedestrians at locations to view habitats within the adjacent Alfleets March and Jubilee Marsh (Cell 1) management realingments as well as across the outer Roach Estuary: GC - Application Granted 1.09.2015.

20. Application No. 17/00169/CM: Continuation of the development of a coastal nature reserve without compliance with: Conditions 2 (Submitted details), 26 (Maintenance of Rights of Way and permissive routes), 38 (Completion by 31 December 2025), 39 (Removal of construction equipment by 31 December 2025) and 40 (Importation of waste via River Crouch only), AND without compliance with Conditions 4, 5, 6, 7, 9, 12, 13, 15, 16, 18, 19, 22, 23, 24, 25, 27, 28, 29, 30, 34, 35, 36 and 41 attached to planning permission ref ESS/44/14/ROC, TO ALLOW modifications to the landform design within Cells 2, 3 and 4 (negating the need to import waste material and no further

breaching of sea walls) and to bring forward the proposed date for completion to 2022, TOGETHER WITH the redesign and extension of the parking area, addition of access ramps to the northerly sea wall in Cell 5, the use of the material handling area for storage of dismantled infrastructure and associated works: PERCM - No Objection (County Matter) 14.03.2017

21. Application No. 17/00178/CM: The erection of buildings comprising one Reception Hide and one Viewing Hide for use by the general public; the development of a staff compound comprising one Office Building and one Meeting Room Building, Staff Parking Area and the erection of a Communications Aerial; the erection of one Workshop and development of a new Hardstanding; and associated works: Application Permitted 6.10.2017.

22. Application No. 18/00156/CM: Continuation of the development of a coastal nature reserve without compliance with Conditions 2 (Submitted details), 20 (Revised Aftercare scheme), 21 (Maintenance of Rights of Way and permissive routes), 30 (work in accordance with Flood Risk Assessment), 31 (timeline for project completion) and 32 (Date for removal of plant and machinery) attached to planning permission ref ESS/13/17/ROC, to allow modifications to the landform design within Cells 2 and 4 (adjusting the design detail to facilitate timely completion while also creating a greater range of new coastal habitat types) and to bring forward the proposed completion date to 31 December 2020. PER - Application Permitted 4.07.2018.

23. Application No. 8/00188/CM: No lighting or security measures shall be installed until details of any proposed external lighting, including that on the unloading facility, and any security measures to reduce the potential for crime have been submitted to and approved in writing by the Waste Planning Authority. The development shall be subsequently implemented in accordance with the approved details. PER - Application Permitted 21.02.2018.

24. Application No. 17/00636/FUL: Installation of floating pontoon and jetty at grassland point and provision of footpath on crest of seawall for passenger ferry: Granted Planning Permission 11th September 2019.

25. Application No. 20/00020/FUL: Construct extension to existing car park with post and rail fence, retain existing car park, construct viewing platform and alterations to sea wall: Granted Planning Permission 27.05.2020.

26. Application No. 23/00313/FUL - Extension of existing screening bunds (to Carolines Hide) and Installation of 2 No. new viewing areas including shelters, seating and screens (one to also include new screening bunds). New sections of surfaced footpath. Engineering operations to form wet scrape area – Approved – 9th October 2024.

27. Application No. 26/00128/FUL - Proposed engineering works to create a lagoon to provide habitat for breeding waders and roosting and feeding areas for wintering wildfowl and waders. Formation of a below ground level reservoir to feed the lagoon with associated solar pump and sluice. Erection of an anti-predator fence - INVALID

MATERIAL PLANNING CONSIDERATIONS

28. 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.

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

Principle of Development

30. The National Planning Policy Framework (NPPF) (August 2026) establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development has economic, social and environmental objectives which are interdependent and should be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, taking account of local circumstances, including the character, needs and opportunities of each area. The Framework also places significant emphasis on securing well-designed places, making effective use of land and protecting and enhancing the natural, built and historic environment.

31. Paragraph 3 of the NPPF confirms that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The national decision-making policies in the Framework are material considerations in

determining planning applications and should be read alongside the policies of the development plan.

32. The proposal is located outside a settlement and therefore falls to be considered having regard to Policy S5 of the NPPF, which establishes the principle of development outside settlements. Policy S5 adopts a more restrictive approach to development in such locations, reflecting the objective of avoiding unsustainable patterns of development and conserving the character and function of the countryside. The policy identifies the forms of development which may be acceptable outside settlements and requires proposals to be assessed against the relevant criteria and the Framework's wider national planning policies.

33. Accordingly, the proposal should first be assessed against the relevant policies of the development plan and the applicable provisions of Policy S5. The presumption in favour of sustainable development does not provide an automatic presumption in favour of development outside settlements. Rather, the proposal must demonstrate that it falls within an appropriate form of development identified by Policy S5 and that it satisfies the relevant policy requirements. The proposal must then be assessed against the other relevant development plan policies and national decision-making policies, with the economic, social and environmental benefits and any identified adverse impacts considered in the planning balance.

34. The application seeks planning permission for operational works comprising the installation of a culvert to connect a proposed reservoir to the existing borrowdyke, together with the installation of solar-powered pump panels and associated screening within the borrowdyke. The reservoir itself forms part of a separate planning application (26/00128/FUL) which remains undetermined and does not form part of the development currently before the Local Planning Authority. The assessment in this report is therefore confined solely to the culvert connection and the associated solar-powered water management infrastructure.

35. The site is located within the open countryside and the Metropolitan Green Belt where development is subject to the strict controls set out in the NPPF, the Rochford Core Strategy and the Development Management Plan. Policies GB1 and GB2 seek to maintain the openness and permanence of the Green Belt and resist development that would undermine its fundamental purposes. Policy CP1 and Policy DM1 require all development to be sustainable, respond positively to local character and avoid unacceptable environmental impacts.

36. In considering the principle of the proposal, it is necessary to distinguish between the wider habitat creation project and the specific operational works proposed under this application. The development does not involve the erection of substantial buildings, the creation of new residential or commercial floorspace, or the introduction of urbanising built form across the wider landscape. The culvert and associated pipework are primarily subterranean engineering works intended to facilitate the transfer and management of water between existing drainage infrastructure and the proposed reservoir, while the solar-powered pumps would provide a renewable energy mechanism for seasonal water movement associated with wetland management.

37. The proposal is clearly linked to ecological and water-management objectives associated with the wider Wallasea Island reserve. The NPPF (August 2026) places significant emphasis on protecting and enhancing the natural environment, restoring and enhancing biodiversity, and ensuring that development responds appropriately to the effects of climate change. The Framework supports measures which conserve and enhance biodiversity and ecological networks, while also promoting climate change mitigation and adaptation, including the use of nature-based solutions and measures which increase resilience to climate-related risks. In this context, the proposed solar-powered pumping infrastructure would provide a low-carbon means of supporting the site's water-management function, reducing reliance on mains electricity or fossil-fuel-powered pumping and contributing to the wider objectives of reducing greenhouse gas emissions and adapting to climate-related water risks.

38. However, the proposal must still be assessed against Green Belt policy. Under Policy GB6 of the NPPF (August 2026), development in the Green Belt is inappropriate unless it falls within one of the categories of development identified in Policy GB7. Having regard to the nature of the proposed works, they do not fall within any of the applicable categories of development identified in GB7 and therefore constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Policy GB6 requires substantial weight to be given to such harm, including harm to openness, and provides that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, together with any other harm arising from the proposal, is clearly outweighed by other considerations. The extent of harm to the Green Belt, including any effect on openness and the purposes of including land within the Green Belt, together with the other considerations

advanced in support of the proposal, is considered below.

Green Belt Assessment

39. The application site lies within the Metropolitan Green Belt as designated in the Council's adopted Allocations Plan. The NPPF (August 2026) confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with openness and permanence being its essential characteristics. Policy GB2 identifies the five purposes of Green Belt land as: checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns from merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting urban regeneration by encouraging the recycling of derelict and other urban land. Where development is inappropriate in the Green Belt, Policy GB6 confirms that it is harmful by definition and requires substantial weight to be given to the harm to the Green Belt, including harm to its openness.

40. The proposed development comprises a short culvert connection within the existing borrowdyke, associated pipework, a sluice/headwall arrangement, solar pump panels mounted on a galvanised frame, and a screen intended to reduce the visual prominence of the equipment. The culvert and most of the pipework would be installed below ground and would not remain visible following completion of the works and reinstatement of disturbed land. Temporary construction impacts would arise during excavation and installation, but these would be localised, limited in duration and reversible.

41. In assessing openness, both spatial and visual dimensions must be considered. Spatially, the proposal would occupy only a very small footprint within an existing drainage corridor and would not materially reduce the amount of open land within the wider Green Belt. No significant built volume would be created and the works would not fragment the landscape or introduce permanent enclosure. Visually, the solar pump array and associated frame would be perceptible features; however, their scale is modest and they would be read in the context of the existing borrowdyke and associated water-management infrastructure rather than as prominent standalone structures within the open countryside. The proposed screen would further reduce the visibility of the equipment from surrounding viewpoints.

42. The development would not contribute to urban sprawl, lead to the coalescence of settlements, affect the setting of historic towns, or undermine the objective of urban regeneration. The principal Green Belt purpose engaged is the safeguarding of the

countryside from encroachment. In this respect, the proposal does introduce a limited amount of engineered infrastructure into an otherwise open rural landscape. Nevertheless, the extent of encroachment is very small, concentrated around an existing borrowdyke and closely related to water-management functions already characteristic of the site.

43. It is therefore considered that, although the proposal constitutes inappropriate development and causes definitional harm to the Green Belt, the actual impact on openness and on the purposes of including land within the Green Belt is very limited. The visible harm is restricted primarily to the modest solar pump infrastructure and associated screening, while the majority of the operational works would remain below ground.

44. Set against this harm are the environmental benefits of facilitating water management associated with wetland habitat enhancement and biodiversity objectives within the wider Wallasea Island reserve. These benefits attract significant weight under national policy, particularly in relation to biodiversity recovery and climate resilience. Having regard to the modest scale of the works, their largely subterranean nature, the limited effect on openness and the functional relationship with existing drainage infrastructure, it is considered that the other considerations advanced are sufficient to clearly outweigh the identified Green Belt harm. The proposal is therefore considered acceptable in Green Belt policy terms.

Design

45. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan require development to achieve a high standard of design that responds positively to local character, landscape setting and environmental context. The NPPF (August 2026) places continued emphasis on achieving high-quality design and ensuring that development responds appropriately to its context, contributes positively to the quality and character of places, and achieves a high standard of design. Development should therefore be assessed having regard to its relationship with the surrounding built and landscape context, its visual and functional qualities, and its contribution to local character and sense of place.

46. The proposal is not architectural development in the conventional sense but operational infrastructure associated with water management. Nevertheless, the design, siting, scale and appearance of the visible elements remain important considerations, particularly given the open and sensitive estuarine landscape of Wallasea Island.

47. The culvert, pipework and most associated infrastructure would be concealed below ground, which is a significant design advantage as it minimises visual clutter and avoids the proliferation of above-ground structures across the wider landscape. The above-ground elements are limited to the sluice/headwall arrangement, the solar pump panels mounted on a galvanised steel frame and the proposed screen. The solar installation has a simple, functional and low-profile form appropriate to its operational purpose. Its siting within the existing borrowdyke corridor is considered to be the least visually intrusive location available, as it relates directly to the water-management function and benefits from the containment provided by the existing drainage landform.

48. The proposed screen is an important component of the design strategy. By reducing views of the pump infrastructure from surrounding areas, it would assist in integrating the development into the landscape and limiting its visual prominence. The use of a low-level solar-powered system, rather than larger mechanical or electrically serviced infrastructure, also reduces the scale of associated structures, avoids the need for extensive cabling or utility installations and limits noise and emissions.

49. The proposal would not result in the loss of trees, hedgerows or other important landscape features, nor would it materially alter the character of the wider estuarine landscape. The disturbed ground associated with installation would be capable of reinstatement, ensuring that the long-term visual effects remain limited. When viewed in the context of the expansive open landscape of Wallasea Island, the infrastructure would appear as a small-scale and subordinate feature associated with existing drainage and habitat-management operations.

50. Overall, the proposal is considered to represent a restrained and functional design response to an operational water-management requirement. The scale, siting and appearance of the visible elements have been minimised as far as practicable, and the development would not result in unacceptable visual intrusion or harm to the character of the area. Subject to conditions securing the external appearance of the screening, the final details of the solar infrastructure and the reinstatement of disturbed land, the proposal is considered to comply with the design objectives of Policies CP1 and DM1 and the NPPF.

Residential Amenity

51. The NPPF establishes that planning decisions should support the creation of places that are safe, inclusive and accessible, and which promote health and well-being through the provision of a high standard of amenity for existing and future users. This

requirement applies to all forms of development and requires an assessment of whether a proposal would result in any unacceptable effects upon the living conditions of neighbouring occupiers or the future users of the development. The assessment of residential amenity is therefore concerned with identifying whether there would be a material and demonstrable adverse impact, rather than seeking to prevent all change or protect existing conditions from any alteration.

52. This approach is reflected in Policy DM1 of the Development Management Plan, which requires development proposals to respect the amenity of neighbouring properties and ensure that new development maintains an appropriate relationship with surrounding land uses. Consideration must be given to factors including overlooking, loss of privacy, visual dominance, noise, disturbance, and any other effects that could materially diminish the quality of the residential environment. However, the application of amenity policies must be proportionate and context-specific, having regard to the scale, nature, location and operational characteristics of the proposed development.

53. The proposal seeks permission for works including the installation of a culvert to connect the reservoir to the Borrowdyke, together with the installation of a solar pump, solar panels and associated screening within the existing Borrowdyke to facilitate the operation of a reservoir proposed under a separate planning application (reference 26/00128/FUL). The works form part of a wider Biodiversity Gain Site and are fundamentally related to ecological enhancement and habitat management rather than residential development or an intensive operational use likely to generate significant impacts upon nearby occupiers.

54. The nearest residential property is Grapnells Farmhouse, which is located over 300m to the west of the application site. This substantial separation distance, together with the intervening rural landscape context and the nature and scale of the proposed infrastructure, provides significant physical and visual separation between the proposed works and the nearest residential receptor. The development would not introduce built form of a scale, height or massing that would result in an overbearing relationship with neighbouring properties, nor would it create opportunities for overlooking or loss of privacy.

55. Furthermore, the proposed solar pump, panels and associated screening are limited in scale and function, and the culvert works would be largely associated with below-ground or landform-integrated infrastructure. The proposal would not result in the introduction of residential accommodation, commercial activity, regular public access or a level of activity that would materially

alter the established rural character of the area or adversely affect the living conditions of nearby residents. Any temporary disturbance associated with construction works would be limited in duration and would be appropriately managed through normal construction practices.

56. Whilst residential amenity considerations remain a material planning matter, the assessment must be based on the likelihood of actual and significant harm rather than perceived change alone. In this case, there is no evidence that the proposed works would result in unacceptable levels of noise, disturbance, overlooking, loss of privacy or visual intrusion. The significant separation distance from the nearest dwelling and the nature of the proposed infrastructure mean that the development would preserve the existing amenity conditions experienced by nearby residents.

57. Having regard to the NPPF, Policy DM1 of the Development Management Plan, the scale and nature of the proposed works, and the relationship between the application site and surrounding residential properties, it is considered that the proposal would not result in any unacceptable impact upon residential amenity.

58. The location of the nearest dwelling, Grapnells Farmhouse, over 300m from the application site, together with the rural context and limited scale of the proposed infrastructure, ensures that there would be no material effects arising from overlooking, loss of privacy, visual overbearing impact, noise or disturbance. The proposal would therefore maintain an acceptable relationship with neighbouring residential properties and accords with the amenity objectives of national and local planning policy.

Flood Risk and Drainage

59. The application seeks permission for works associated with the formation and management of a Biodiversity Gain Site. The proposed works comprise the installation of a culvert to connect a reservoir (proposed under separate application 26/00128/FUL) to an existing borrowdyke, together with the installation of a solar-powered pump, solar panels and associated screening within the existing borrowdyke. The infrastructure would facilitate the transfer and management of water within the wider biodiversity enhancement scheme and is therefore directly related to the ecological function and long-term management of the proposed habitat creation area.

60. The application site is located within Flood Zone 3b, which is defined within the Planning Practice Guidance (PPG) as the functional floodplain and represents land with the highest

probability of flooding. Policy ENV3 of the Rochford District Council Core Strategy seeks to direct development away from areas at risk of flooding through the application of the Sequential Test and, where necessary, the Exception Test. The policy reflects the wider objective of national planning policy to ensure that inappropriate development is avoided in areas at risk of flooding and that development is directed towards locations with the lowest probability of flooding.

61. However, the NPPF and associated Planning Practice Guidance recognise that not all development within areas of flood risk is inappropriate. The flood risk vulnerability of the proposed development is a material consideration in determining whether it is appropriate within a particular Flood Zone. Water-compatible development, including infrastructure associated with water management and flood risk management, can be appropriate within Flood Zone 3b, subject to the relevant flood-risk requirements. Such development must be designed and constructed to remain operational and safe for users in times of flood, avoid increasing flood risk elsewhere and, where relevant, ensure that there is no net loss of floodplain storage and that flood flows are not impeded. The proposed works should therefore be assessed having regard to their vulnerability classification, their relationship with the functional floodplain and their effect on flood risk both on and off site.

62. The Environment Agency has been consulted on the proposal and has confirmed that, in its view, the proposed culvert, solar pump, panels and associated screening should be considered as water-compatible development. The Environment Agency has advised that this classification does not fetter the Local Planning Authority's own judgement; however, it is a significant material consideration given the Agency's statutory role in relation to flood risk. Having regard to the nature of the works proposed, their direct relationship with water management infrastructure and their role in facilitating the Biodiversity Gain Site, officers consider that the development is appropriately characterised as water-compatible rather than a form of development that would introduce additional vulnerability within the functional floodplain.

63. The submitted Flood Risk Assessment, titled 'Wallasea Nature Reserve Flood Risk Assessment' dated January 2026, has assessed the flood risk implications of the proposed works. The Environment Agency has reviewed the assessment and confirms that the applicant has designed the development to ensure that it would remain operational and safe for users during flood conditions, would result in no net loss of floodplain storage, would not impede the conveyance of flood waters and would not increase flood risk elsewhere. These matters are particularly important given the site's location within Flood Zone 3b, where

maintaining floodplain capacity and avoiding obstruction to flood flows are key considerations.

64. The Environment Agency confirms that the principal source of flood risk affecting the site is tidal flooding, with a lesser risk associated with fluvial sources. The site benefits from existing flood defences; however, the Agency advises that the crest level of the defences is below the modelled 0.5% annual probability tidal flood event including climate change allowance. Consequently, the site remains at actual risk of flooding during extreme tidal events. The submitted assessment identifies that during the 0.5% annual probability event including climate change, flood depths across parts of the site could reach approximately 1.21 metres, resulting in a flood hazard classification of ‘danger for all’, including for emergency services.

65. The Environment Agency has also identified residual risk associated with a breach of the existing flood defences. The submitted Flood Risk Assessment does not assess breach scenarios in detail; however, the Agency’s modelling indicates that, in a worst-case scenario, flood depths could exceed 3.7 metres during the 0.5% annual probability breach event including climate change and approach 4 metres during the 0.1% annual probability breach event. The associated flood hazard would again fall within the ‘danger for all’ category. These risks are significant and must be given appropriate weight in the determination of the application.

66. Notwithstanding these risks, the nature of the proposed development is an important consideration. The proposal does not involve the creation of residential accommodation, commercial floorspace, public buildings or other development that would result in vulnerable occupants being located within the floodplain. Instead, the works comprise low-intensity water management infrastructure associated with habitat creation and ecological enhancement. The operational requirements of the development are inherently linked to the management of water within the site, and the infrastructure itself would not create a significant increase in human presence or occupancy within the area at risk of flooding.

67. In this context, the absence of a safe dry access route during extreme flood events is not considered to carry the same implications as it would for more vulnerable forms of development. Nevertheless, the Environment Agency has recommended that the applicant considers the preparation of a Flood Evacuation Plan to manage operational access and ensure that maintenance activities are appropriately controlled during periods of flood warning or extreme weather conditions.

Officers consider this to be a proportionate approach to managing residual risk, recognising that the development is not intended for regular occupation but will require periodic access for maintenance and management purposes.

68. The Environment Agency has confirmed that compensatory flood storage is not required, and there is no evidence before the Local Planning Authority to suggest that the proposed culvert, pumping infrastructure or associated screening would result in displacement of floodwater, obstruction of flood flows or an increase in flood risk to third parties. The proposal therefore satisfies the fundamental flood risk requirements of ensuring that development within the floodplain does not exacerbate existing flooding conditions.

69. It is also noted that the Environment Agency has highlighted the potential requirement for separate approvals under the Environmental Permitting Regulations 2016. These may apply where works are undertaken within specified distances of a tidal main river, flood defence structure or culvert. Such matters fall outside the scope of the planning application and would be controlled through the separate flood risk activity permitting regime. The need for such consent does not represent a reason to withhold planning permission where the development is otherwise acceptable in planning terms.

70. Overall, whilst the site is located within Flood Zone 3b and is subject to significant residual tidal flood risk, the proposed development is appropriately categorised as water-compatible development associated with biodiversity enhancement and water management. The submitted Flood Risk Assessment demonstrates that the works would remain operational during flood events, would not result in a net loss of floodplain storage, would not impede flood flows and would not increase flood risk elsewhere. Subject to appropriate consideration of operational flood management arrangements, officers are satisfied that the proposal accords with the flood risk objectives of the NPPF, the Planning Practice Guidance and Policy ENV3 of the Rochford District Council Core Strategy.

Highways

71. The proposal is not expected to generate a material increase in traffic or place a significant additional demand on the local highway network, given the nature and operational requirements of the proposed pumping infrastructure. The NPPF (August 2026) requires development to ensure that safe and suitable access can be achieved for all users and that significant transport impacts are appropriately addressed. In this case, the proposal would not materially alter existing highway

arrangements or give rise to an unacceptable impact on highway safety. The limited operational movements associated with inspection and maintenance of the equipment would be infrequent and would not result in a material increase in traffic, congestion or highway activity. The proposal is therefore considered acceptable in highways and transport terms.

Trees

72. Policy DM25 of the Development Management Plan provides the policy framework for assessing the impact of development proposals upon trees, woodland and other landscape features. The policy seeks to ensure that trees and vegetation which contribute positively to landscape character, visual amenity, biodiversity or ecological networks are appropriately protected and retained. However, the policy does not require an arboricultural assessment in every instance, and the level of information required should be proportionate to the scale, nature and likely impacts of the development proposed.

73. The submitted application forms state that there are no trees or hedges within the application site and that there are no trees or hedges on adjacent land which could influence the development or form an important part of the local landscape character. Whilst the Local Planning Authority must reach its own judgement and cannot rely solely upon an applicant's declaration, the submitted information provides an indication that no arboricultural constraints have been identified by the applicant.

74. Having considered the submitted plans, the nature of the site and the characteristics of the proposal, there is no evidence to suggest that the development would result in the removal of, damage to, or adverse impact upon any existing trees, hedgerows or significant vegetation features. Furthermore, given the scale and nature of the proposal, which does not involve extensive ground works, significant changes to land levels, major site reconfiguration or development extending into areas likely to contain established vegetation, it is not considered that there is a reasonable likelihood of harm occurring to trees either within the site or on adjoining land.

75. Whilst no arboricultural survey has been submitted, this is considered proportionate in the circumstances. The requirement for specialist tree information should be related to the potential for development to affect existing arboricultural assets. In this case, there is no evidence of trees or hedgerows being present within the site or within influencing distance of the proposed works, and the scale of development does not give rise to a

credible risk of indirect impacts such as root damage, compaction, or disturbance to protected vegetation.

76. Accordingly, the absence of an arboricultural assessment does not prevent the Local Planning Authority from reaching a robust conclusion on the likely impacts of the proposal. The available information demonstrates that the development would not result in the loss of trees or landscape features of amenity, ecological or visual importance, and would not undermine the objectives of Policy DM25.

77. Having regard to Policy DM25 of the Development Management Plan, the submitted information, the characteristics of the site and the scale and nature of the proposed development, it is considered that there are no material arboricultural constraints associated with the proposal. No trees or hedgerows have been identified within or adjacent to the site that would be affected by the works, and there is no evidence that the development would result in harm to trees of landscape, amenity or biodiversity value.

78. The submission of an arboricultural assessment is therefore not considered necessary or proportionate in this instance. The proposal would retain the existing landscape context and would accord with the objectives of Policy DM25 in respect of the protection of trees and vegetation. The development is therefore considered acceptable in arboricultural terms

Ecology

79. The NPPF establishes that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity value and ecological networks. Development proposals should minimise impacts on biodiversity and, where significant harm cannot be avoided, adequately mitigate or compensate for such impacts. This policy approach requires a comprehensive assessment of ecological effects, including impacts upon designated sites, protected species, habitats and wider ecological functions. The consideration of biodiversity is therefore not limited solely to identifying individual protected species but requires an assessment of whether development would conserve and enhance biodiversity and avoid unacceptable ecological harm.

80. This approach is reinforced through Policy DM27 of the Development Management Plan, which requires proposals to demonstrate that impacts upon the natural environment, including designated habitats, protected species and ecological assets, have been appropriately considered and addressed.

These policy requirements must also be considered alongside the statutory duty contained within Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which requires public authorities to have regard to the purpose of conserving and enhancing biodiversity when exercising their functions. In addition, Section 41 of the Act identifies habitats and species of principal importance in England, reinforcing the importance of safeguarding ecological interests through the planning process.

81. The application relates to infrastructure works associated with the wider biodiversity enhancement scheme, comprising the installation of a culvert connection between the reservoir and Borrowdyke, together with the installation of a solar pump, solar panels and associated screening within the Borrowdyke. The application does not itself seek approval for the creation of the reservoir or lagoon, which is proposed under a separate planning application; however, the works subject to this application form an integral part of the operation and functioning of that wider ecological scheme. Consequently, the ecological assessment must consider not only the direct impacts arising from the physical works but also the potential consequences arising from the operation of the proposed infrastructure.

82. The application has been supported by a comprehensive package of ecological information, including the Environmental Report prepared by the RSPB, Wallasea Island Water Vole Survey Report and Works Method Statement (Charlotte Dwight Ecology Ltd, 2025), Shadow Habitat Regulations Assessment, Construction Management Plan, Biodiversity Net Gain information, Statutory Biodiversity Metric Calculation Tool, Habitat Management and Monitoring Plan and RSPB Wallasea River Condition Assessment. These documents have been reviewed by Place Services Ecology, who confirm that sufficient ecological information has been submitted to enable the Local Planning Authority to assess the likely impacts upon designated sites, protected species and habitats.

83. The relationship between the proposed works and nearby internationally designated ecological sites has been carefully considered. The site is located in proximity to the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC), which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The Local Planning Authority, as competent authority, must be satisfied that the proposal would not adversely affect the integrity of these Habitats sites, either alone or in combination with other plans or projects.

84. Place Services Ecology has reviewed the submitted Shadow Habitat Regulations Assessment prepared by the RSPB and agrees that the wider coastal lagoon proposal is likely to result in benefits to the qualifying features of the designated sites. The ecological enhancement objectives associated with the wider scheme have the potential to provide improved habitat function and contribute positively towards supporting important bird assemblages and estuarine biodiversity. The submitted information also identifies precautionary construction measures intended to avoid disturbance impacts upon breeding and wintering birds. On this basis, Place Services Ecology concludes that, subject to the identified mitigation measures being secured, the proposals would not result in adverse effects upon the integrity of the relevant Habitats sites.

85. Natural England has also been consulted and has raised no objection, confirming that the proposal would not have significant adverse impacts upon statutorily protected nature conservation sites or landscapes. This provides further support that the proposed works, when considered in isolation, are unlikely to result in unacceptable impacts upon nationally or internationally important ecological assets.

86. The potential impacts upon protected and priority species have also been assessed. Place Services Ecology identifies that the principal ecological constraint associated with the works relates to Water Vole, a species protected under the Wildlife and Countryside Act 1981 (as amended). Survey work identified a low population, estimated at approximately three individuals, within a 250-metre section of the northern soke. As the proposed culvert installation has the potential to directly affect water vole habitat, including possible impacts upon breeding or resting places, appropriate mitigation is required.

87. The submitted Water Vole Survey Report and Works Method Statement provides a mitigation framework to address this risk. This includes the requirement for a pre-commencement survey undertaken by a suitably qualified ecologist to confirm the presence and location of any water vole activity within the works area. Where water vole burrows are identified, works would be undertaken under a Registered Consultant Water Vole Class Licence, allowing lawful displacement within the affected section of watercourse. Place Services Ecology considers that, subject to the mitigation measures being secured and implemented in full, impacts upon water vole can be satisfactorily managed.

88. The Environment Agency has, however, raised a separate and significant concern regarding the potential effects of the proposed culvert and associated water management infrastructure upon eels and other fish species. The concern

relates specifically to the functionality of the proposed connection between the reservoir and Borrowdale and whether the proposed culvert and control arrangements would allow adequate aquatic species movement.

89. The Environment Agency considers that the proposed water control structure may enable eels and other fish to enter the reservoir system but subsequently prevent them from returning to the waters from which they originated. This creates a potential risk of aquatic species becoming trapped, particularly during periods when water levels reduce and the reservoir dries during spring and summer months, potentially resulting in avoidable mortality.

90. This issue is material and must be assessed against the requirements of the Eels (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 1975, which seek to maintain fish passage and prevent infrastructure from causing unacceptable impacts upon aquatic species. Whilst the wider biodiversity objectives of the scheme are acknowledged, the ecological benefits associated with habitat creation cannot outweigh the need to ensure that the infrastructure required to operate the system does not create unintended ecological harm.

91. At present, insufficient technical information has been provided to demonstrate how the proposed culvert and associated infrastructure would maintain adequate eel and fish passage, prevent entrainment and enable aquatic species to safely return to the waters from which they entered. The Environment Agency has advised that this matter could potentially be overcome through the submission of further details demonstrating compliance with the relevant fisheries legislation. However, this information has not been provided as part of the current application.

92. The outstanding issue is not considered to be a matter of minor construction detail capable of being addressed through a planning condition following approval. Rather, it relates to the fundamental design and operational function of the proposed infrastructure and whether the development is capable of being undertaken without unacceptable ecological consequences. The Local Planning Authority must therefore be satisfied prior to determination that the proposed works would not result in harm to aquatic species.

93. Overall, the proposed works form part of a wider biodiversity enhancement project that has the potential to deliver significant ecological benefits. The submitted ecological information demonstrates that impacts upon designated sites and water vole can be appropriately addressed through mitigation and

management measures. However, the unresolved concern raised by the Environment Agency regarding eel and fish passage represents a significant outstanding ecological matter.

94. Having regard to the ecological information submitted and the advice received from Place Services Ecology and Natural England, the proposed works are unlikely to result in adverse impacts upon the integrity of the Crouch and Roach SPA and Ramsar site or the Essex Estuaries SAC, subject to the implementation of the identified mitigation measures. Impacts upon water vole can also be satisfactorily managed through the submitted mitigation strategy and appropriate ecological controls.

95. However, insufficient information has been submitted to demonstrate that the proposed culvert connection between the reservoir and Borrowdale, together with the associated water management infrastructure, would maintain adequate passage for eels and other fish species or comply with the requirements of the Eels (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 1975.

96. Until further technical information is provided demonstrating how aquatic species movement will be maintained and how the risk of entrainment and mortality will be avoided, the Local Planning Authority cannot conclude that the development would conserve and enhance biodiversity or avoid unacceptable harm to protected species.

97. Accordingly, whilst the ecological objectives of the wider scheme are recognised, the application cannot be supported in its current form due to the unresolved ecological implications associated with the proposed water management infrastructure. Further information is required prior to determination to demonstrate that the development would accord with the NPPF, Policy DM27 of the Rochford District Council Development Management Plan, and the statutory biodiversity duty contained within Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

BNG

98. Biodiversity Net Gain (BNG) represents a fundamental change in the way biodiversity impacts arising from development are assessed and managed through the planning system. It is not simply an ecological enhancement aspiration but a statutory requirement introduced through the Environment Act 2021, which inserted Schedule 7A into the Town and Country Planning Act 1990. Schedule 7A requires that development to which the statutory provisions apply must achieve a minimum 10%

biodiversity net gain, calculated using the Government's statutory biodiversity metric, unless the development falls within one of the specific exemptions prescribed by legislation. The requirement is therefore not discretionary and cannot be avoided solely because a proposal incorporates ecological enhancements or is considered to deliver wider biodiversity benefits.

99. The application has been supported by reference to the Planning Advisory Service (PAS) guidance regarding the de minimis exemption, with the applicant appearing to suggest that the provision of habitat improvements means the development is automatically exempt from the statutory BNG requirement. However, this interpretation requires careful scrutiny. As confirmed by Place Services Ecology, the PAS guidance does not constitute adopted Government guidance and cannot override the statutory provisions contained within Schedule 7A of the Town and Country Planning Act 1990 or the Biodiversity Gain Regulations. Furthermore, the example referred to within the PAS guidance relates specifically to proposals involving a formal change of use application and cannot be directly applied to all forms of development. The presence of habitat enhancement measures, in isolation, does not automatically remove the statutory requirement to demonstrate whether BNG applies.

100. The correct approach is therefore to first establish whether the proposal falls within one of the statutory exemptions. Place Services Ecology has identified that the proposal involves the loss of an area of cropland habitat, which would ordinarily constitute a habitat impact requiring assessment through the statutory biodiversity metric. Consequently, without further justification, the proposal cannot be assumed to fall within the de minimis exemption simply because ecological improvements are proposed. A robust assessment must consider the baseline habitat condition, the habitats to be lost, the proposed habitat creation or enhancement, and whether the statutory BNG provisions apply.

101. Notwithstanding the above, Place Services Ecology has provided further advice that materially affects the assessment. The proposal is considered to be functionally connected with the delivery of the adjacent Biodiversity Gain Site, and applications relating to Biodiversity Gain Sites are specifically exempt from the mandatory BNG requirement. This is an important distinction from the applicant's reliance on habitat enhancement alone. The potential exemption does not arise because the development delivers biodiversity benefits, but because the proposal forms part of the delivery mechanism associated with an established Biodiversity Gain Site, which is a separate statutory exemption.

102. In addition, Place Services Ecology acknowledges that the nature of the development is such that it would deliver significant biodiversity enhancements and notes that future amendments to the exemption provisions are anticipated to include development whose primary objective is the conservation or enhancement of biodiversity. However, those anticipated future changes cannot be relied upon in determining the current application. The assessment must be undertaken against the legislation and regulations that apply at the time of determination.

103. The Local Planning Authority must also have regard to its wider statutory biodiversity duties under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), which places a duty on public authorities to conserve and enhance biodiversity when exercising their functions. This duty applies irrespective of whether the statutory BNG requirement is triggered. Therefore, even where an exemption applies, the ecological consequences of development remain a material consideration, and the authority must be satisfied that biodiversity interests have been appropriately considered and, where possible, enhanced.

104. In this instance, the ecological advice confirms that there are two potential approaches available to the Local Planning Authority. The first is to conclude that mandatory BNG does not apply because the proposal is functionally connected to the adjacent Biodiversity Gain Site and therefore benefits from the relevant statutory exemption. This approach recognises the purpose and function of the development as part of a wider biodiversity enhancement scheme rather than assessing it as an isolated development proposal. The second approach would be to require the applicant to demonstrate compliance through submission of the statutory Biodiversity Metric Calculation Tool and associated habitat baseline information for the application site, prior to determination.

105. Having regard to the ecological advice provided by Place Services, the first approach is considered the most appropriate in this case. The proposal is not seeking to avoid BNG obligations through reliance upon general ecological improvements; rather, its relationship with the adjacent Biodiversity Gain Site provides the specific legislative basis upon which the exemption can be considered. Requiring a full statutory BNG calculation in these circumstances would not materially improve the ecological assessment, given that the development forms part of a wider biodiversity delivery

mechanism and is already associated with significant habitat enhancement objectives.

106. The proposal has been assessed against the statutory Biodiversity Net Gain requirements introduced through the Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990. Whilst the applicant's reliance upon the PAS de minimis guidance and the presence of habitat enhancements alone does not provide a sufficient basis to conclude that the development is exempt from BNG, the ecological evidence submitted by Place Services identifies a separate and substantive justification.

107. The application is considered to be functionally connected to the adjacent Biodiversity Gain Site, and development associated with such sites falls within the prescribed exemptions from mandatory BNG requirements. Accordingly, the statutory requirement to achieve a minimum 10% biodiversity net gain is not considered to apply in this instance.

108. Nevertheless, the Local Planning Authority has complied with its statutory biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006 by securing specialist ecological advice, assessing the habitat implications of the proposal, and recognising the biodiversity enhancements delivered through the wider scheme. Subject to the development being implemented in accordance with the submitted ecological information and associated biodiversity measures, the proposal is considered acceptable in biodiversity terms and would not conflict with national or local biodiversity objectives.

Equalities and Diversity Implications

109. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

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

111. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council: No comments received

Natural England: No objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Essex County Council Place Services Ecology: Has reviewed the submitted ecological information, including the Environmental Report, Water Vole Survey and Works Method Statement, Shadow Habitat Regulations Assessment, Construction Management Plan, Biodiversity Net Gain documentation and supporting habitat management information. It is satisfied that sufficient ecological information has been provided to determine the application. In relation to the nearby Crouch and Roach SPA and Ramsar site and the Essex Estuaries SAC, Place Services agrees that the proposal is likely to provide ecological benefits and, subject to the precautionary measures identified to avoid impacts on breeding and wintering birds, would not result in an adverse effect on the integrity of the designated sites. An Appropriate Assessment is therefore not considered necessary.

With regard to protected species, a low population of Water Vole has been identified within part of the northern soke and the proposed culvert works may give rise to minor temporary impacts. A mitigation strategy has been submitted requiring a pre-commencement survey by a suitably qualified ecologist and, if active burrows are present, the works to be undertaken under a Registered Consultant's Water Vole Class Licence. Subject to the implementation of the mitigation and precautionary measures contained within the submitted ecological documents, Place Services considers that impacts on designated sites, protected species and Priority habitats can be satisfactorily mitigated.

In respect of Biodiversity Net Gain, Place Services does not agree that the proposal would result in no habitat loss, as the affected cropland carries a measurable unit value within the statutory biodiversity metric. However, it recognises that the proposal would deliver significant habitat enhancement and is functionally connected to the adjacent Biodiversity Gain Site. It advises that the Local Planning Authority may either conclude that mandatory BNG does not apply because of that functional connection, or require the submission of a statutory biodiversity metric and baseline habitat map prior to

determination. Overall, subject to appropriate planning conditions securing the submitted mitigation measures, Place Services raises no objection to the proposal on ecological grounds.

Environment Agency: Has reviewed the application in relation to ecology and flood risk. In ecological terms, it raises concerns that eels and other fish could enter the proposed lagoon through the water control structure but may be unable to return to the borrowdyke, particularly if water levels are restricted for extended periods and the lagoon dries out during spring and summer. The Agency advises that additional details are required to demonstrate compliance with the Eels (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 1975, including measures to ensure the safe passage and return of eels and other fish species.

With regard to flood risk, the site lies within Flood Zone 3b (functional floodplain) and is predominantly at risk from tidal flooding, with a lesser fluvial risk. The Environment Agency considers the proposed culvert, solar pumps, panels and associated infrastructure to be capable of being treated as water-compatible development. The submitted Flood Risk Assessment demonstrates that the development would remain operational during flood events, would not result in a net loss of floodplain storage and would not impede flood flows or increase flood risk elsewhere. Accordingly, the Environment Agency raises no objection to the proposal on flood risk grounds.

The Agency notes, however, that the site and access route could experience significant flood depths during extreme tidal events and in a breach scenario, with flood hazards classified as “danger for all”, including the emergency services. It therefore strongly recommends that a Flood Evacuation Plan is prepared and considered by the Local Planning Authority in consultation with its emergency planners. The Agency also advises that other potential sources of flooding, including surface water, groundwater, sewer and reservoir flooding, should be considered by the Authority, and that separate Environmental Permits may be required for works within or near the tidal main river, borrowdyke and associated flood defence infrastructure.

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (August 2026)

Rochford District Council’s Local Development Framework Core Strategy (adopted December 2011) policies - GB1, GB2, URV2, ENV1, ENV2, ENV3, CLT11, ED1.

Rochford District Council’s Local Development Framework Local Development Management Plan policies: DM1, DM14, DM25, DM26, DM27

The Conservation of Habitats and Species Regulations 2017

Natural England Standing Advice

RECOMMENDATION: <u>REFUSE</u>

Refuse

1. Insufficient information has been submitted to demonstrate that the proposed installation of the culvert connecting the reservoir to Borrowdale, together with the associated solar pump, panels and screening infrastructure, would avoid unacceptable impacts upon aquatic species, including eels and other fish species.

   The Environment Agency has raised concerns that the proposed culvert and water control arrangements may restrict fish passage and create a risk that eels and other aquatic species could enter the reservoir system but subsequently be unable to return to the waters from which they originated. This has the potential to result in avoidable mortality, particularly during periods when water levels reduce and the reservoir dries during spring and summer months.

   Whilst the wider biodiversity objectives associated with the reservoir and lagoon proposals are acknowledged, the Local Planning Authority must be satisfied that the infrastructure necessary to operate the system has been designed to function without causing unintended ecological harm. The information submitted does not satisfactorily demonstrate how fish and eel passage would be maintained, how entrainment would be prevented, or how the proposed infrastructure would comply with the requirements of the Eels (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 1975.

   The outstanding matter relates to the fundamental design and operation of the proposed water management infrastructure rather than a matter of detailed implementation. Consequently, it would not be appropriate to defer resolution through a planning condition, as the Local Planning Authority cannot currently conclude that the development is capable of being undertaken without harm to protected aquatic species.

   The proposal therefore fails to demonstrate that it would adequately conserve and enhance biodiversity or protect ecological interests, contrary to the provisions contained within the NPPF and Policy DM27 of the Rochford District Council Development Management Plan.

The local Ward Member(s) for the above application is/are Cllr S E Wootton Cllr P Shaw Cllr N Hookway

Application No:	26/00408/FUL Zoning :
Case Officer:	Mr Thomas Byford
Parish:	Rayleigh Town Council
Ward:	Downhall And Rawreth
Location:	Land At End Of Hambro Parade Rayleigh
Proposal:	Single storey building for use as a cafe within the use class E (b).

SITE AND PROPOSAL

1. The application site comprises an area of predominantly hardstanding at the western end of Hambro Parade, immediately south of the junction between Rawreth Lane and Hullbridge Road. The site is presently vacant, having historically been used informally for parking.

2. Hambro Parade comprises a small neighbourhood parade containing nine existing commercial units accommodating a mixture of shops and local services. The wider area is mixed in character, comprising commercial premises, residential dwellings, garages and associated parking and hardstanding.

3. The site is irregular in shape and fronts Rawreth Lane. No. 1 Rawreth Lane represents the closest neighbouring residential property. Its garage is positioned immediately adjacent to the application site, with the dwelling itself set further back to the west/north-west. Residential accommodation is also present close by on Hullbridge Road to the south-east/south of the site. A further row of garages adjoins the western side of the access through the site.

4. The existing vehicular access through the site serves the garage block adjacent to the site and adjoining land. Hambro Parade is served by on-street parking provision immediately in front of the commercial units, capable of accommodating approximately 11–12 vehicles, although the individual spaces are not demarcated. In addition, a small parking lay-by is located immediately to the north of the parade, outside of the adopted highway, which provides 5 further parking spaces. The on-street parking is subject to a maximum stay of three hours between 08:00 and 18:00 Monday to Saturday, with no return within two hours. There is some additional potential for lawful on-street parking within surrounding residential roads, although this does not comprise dedicated parking provision serving the parade and is considered further below.

5. The site has previously been described by the Local Planning Authority as an underutilised area of hardstanding which does not provide an important area of open space or visual focus within the street scene. Development of the site is considered capable of improving its appearance and providing screening of the garage block to the rear.

6. Planning permission is sought for the erection of a detached single-storey building for use as a café falling within Use Class E(b), namely for the sale of food and drink principally for consumption on the premises.

7. The building would occupy broadly the same part of the site as the commercial building previously approved under application 23/00856/FUL. It would be of traditional single-storey form with a pitched roof and glazed commercial frontage.

8. The submitted plans show an internal customer seating area, serving counter, kitchen/preparation area, accessible WC and associated storage and servicing facilities. The submitted plans identify the overall gross floor area of the building as approximately 74.9 square metres with the seating area shown to be an area of some 40 square metres; the plans indicating that this area could accommodate 7 tables of 4.

9. Two off-street parking spaces are shown within the red-lined application site, together with cycle racks. The existing access through the site would remain available to serve the garages to the rear. Waste storage is identified to the rear of the building.

RELEVANT PLANNING HISTORY

23/00856/FUL - Construct Detached Single Storey Building to Provide 2 No. Commercial Units for Retail Use (Use Class E(a)). – Permitted

24/00619/NMA - Application for a Non-Material Amendment to application Reference 23/00856/FUL – Permitted

25/00100/FUL - Construct building containing retail shop (Use Class E(a)) to ground floor with self-contained residential flat (Use Class C3) to 1st floor. - Refused

MATERIAL PLANNING CONSIDERATIONS

10. 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.

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

Principle of Development

12. Policy RTC3 of the Core Strategy relates to village and neighbourhood shops and supports additional small-scale retail provision in relation to new housing development where it would meet local needs without undermining the role of the District's town centres.

13. The policy is relevant because Hambro Parade functions as a small neighbourhood commercial parade serving the surrounding residential area. The proposal would not result in direct loss of an existing retail unit in the parade.

14. The principle of commercial development on this particular site has already been established through the grant of planning permission under application 23/00856/FUL. That permission allowed two Class E(a) retail units within a detached single-storey building in broadly the same position as the building now proposed.

15. The previous decision is a significant material consideration. There has been no material change to the fundamental character of the site or surrounding parade which would suggest that the principle of a new building on the site (and the loss of the informal parking area) would be unacceptable.

16. The current proposal differs principally in that the building would comprise one Class E(b) café rather than two Class E(a) shops.

17. In the submitted Design and Access Statement reference is made to the consultation response received from the council's economic development team in relation to the previous Class E(a) shop application, which referred to support for additional commercial provision at Hambro Parade. That response identified the substantial residential growth within the surrounding area and considered that additional local commercial provision could assist in meeting local needs and reducing the need to travel to more distant centres. It also identified evidence of demand for additional food and beverage floorspace in Rayleigh.

18. The preamble to Policy RTC3 refers not only to shops but also to other services located outside of established town centres which are recognised as performing a vital role in providing services to meet people's day-to-day needs.

19. Concerns have been raised in response to public consultation with regard to potential impact on existing cafés in the locality, however the role of the planning system is to consider whether the land use is acceptable in the location proposed and not matters relating to commercial competition.

20. It is also not necessary for the applicant to evidence a demonstrable unmet need for the proposed use despite concerns having been raised in response to public consultation that the proposed café is not necessary.

21. The proposed café use has the potential to provide additional benefit to the local community as another service which could be reached on foot or by public transport by residents of the immediate locality, which could help maintain a sense of community. The proposed café would be located on previously developed land and in a location physically well-related to the existing settlement. Policy E2 of the NPPF (2026) requires substantial weight to be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt. These economic benefits weigh in favour of the proposal.

Impact on Town Centre

22. The NPPF (2026) continues to support the vitality and viability of town centres. Policy TC4 addresses the potential impact of qualifying retail and leisure development upon town centres.

23. The scale of the current proposal is however very modest and materially below the scale at which any meaningful town centre impact concern would ordinarily arise. Furthermore, the council's economic development team previously considered additional commercial floorspace at Hambro Parade compatible with the continued vitality of Rayleigh Town Centre.

24. The proposal would not directly conflict with Policy RTC3 as it would not result in the direct loss of a retail unit and would accord with the preamble to this policy which recognises the benefit local services can have to a community. The proposal would be supported by national planning policy relating to promoting economic growth. It is considered that the principle of a small-scale Class E(b) café use would therefore be acceptable.

Design, Scale and Impact on Character

25. Policy DM1 of the Development Management Plan requires development to promote and positively respond to the character of the locality and to have an appropriate relationship with surrounding development.

26. Policy DP3 of the NPPF sets out the key principles for well-designed places. Development should respond positively to its context and integrate with and enhance its surroundings. Relevant principles include creating development which functions well, establishing an appropriate built form and providing visually attractive, distinctive and characterful development which establishes or maintains a strong sense of place. Development proposals which conflict with the relevant principles of Policy DP3 without clear justification should be refused.

27. The site's planning history is a key material consideration. Under application 23/00856/FUL, the Council considered a detached single-storey commercial building in this location to be acceptable in character and design terms.

28. In regard to the proposed building's scale, form and materials, the established commercial context and the previous permission, there is no substantive basis to reach a different conclusion from that previously reached by the Local Planning Authority in this respect.

29. It is considered that the proposal would comply with parts (x) and (xi) of Policy DM1 and the relevant design principles of Policy DP3 of the NPPF.

Residential Amenity

30. Policy DM1 requires development to maintain an appropriate relationship with neighbouring properties and avoid unacceptable effects upon residential amenity.

31. Policy DP3 of the NPPF requires development to support healthy communities which function well and, where relevant, provide safe, secure, inclusive and accessible places for all ages and abilities.

32. Policy P3 of the NPPF requires development to be appropriate for its location having regard to the likely effects, including cumulative effects, of pollution upon health and living conditions. Development should avoid unacceptable levels of noise affecting neighbouring residents and should mitigate and reduce potential adverse noise impacts to a minimum.

33. The physical relationship between No.1 Rawreth Lane and a building of very similar scale and siting to the proposed building has already been considered acceptable (and granted planning permission) in relation to No. 1. The proposed building would also not contain any windows or doors in the west facing side elevation which would face the side wall of No. 1. It is therefore considered that the proposal would not give rise to harm to amenity in terms of potential for overlooking, unreasonable overshadowing or loss of outlook.

34. Additional residential amenity considerations arise from the current proposal in relation to the operation of the café, including noise, odour, customer activity, deliveries, waste and hours of operation.

35. The Council's Environmental Health Officer notes that the final extraction and ventilation plant has not yet been selected and that the submitted assessment therefore cannot predict precise future noise levels. The Environmental Health Officer recommends that a planning condition be imposed to require the rating level of noise emitted from all kitchen extraction, ventilation and external plant to not exceed the existing background noise level at surrounding residential premises, to be assessed in accordance with the relevant British standard. Subject to this condition, plant noise can be controlled so that it would not cause unacceptable harm to neighbouring amenity.

36. The submitted odour information assesses the likely risk as low-medium or high, however, Environmental Health notes that the precise risk could vary depending upon matters such as the eventual stack height and discharge velocity. For this reason, Environmental Health recommends a separate condition requiring full details of the internal extraction system, odour control equipment and discharge arrangements to be submitted to and approved by the Local Planning Authority and implemented before the café begins operating. This would allow the Council to assess the actual extraction system once the cooking equipment and plant are known and ensure that ducting and any external flue are appropriate for the context.

37. Some representations refer to the café being intended only for "minimal cooking" and question what would prevent more intensive cooking in the future. This application must consider the principle of a Class E(b) café use and it has not been assumed that only minimal cooking would occur. The council's Environmental Protection team are satisfied that odour effects would be capable of being satisfactory mitigated.

38. Objections have also been raised regarding general activity associated with the café and potential disturbance during the

daytime. A café would introduce a different pattern of activity from a Class E(a) retail unit, with customers potentially remaining at the premises for longer periods and conversation and other customer activity taking place throughout their visit.

39. The scale of the proposed café is relatively modest and the majority of customer activity would take place internally. However, the relationship with No. 1 Rawreth Lane requires careful consideration. The garage of No. 1 is immediately adjacent to the proposed building, whilst the dwelling itself and garden are set further back from the site. The proposed rear access door is orientated towards this residential side of the site and, if routinely left open, there would be potential for customer and operational noise to travel towards the neighbouring garden.

40. Were the development otherwise acceptable, and having regard to Policy P3 of the NPPF, this potential impact could be mitigated by a condition requiring the rear door to remain closed except when required for access or egress. However, should a revised proposal be submitted in the future, the applicant is encouraged to reconsider the internal and external layout so that customer and staff entrances, exits and other openings are, where practicable, orientated towards Hambro Parade and away from the residential garden of No. 1 Rawreth Lane.

41. The planning agent has confirmed that the use would operate as a daytime café between 07:00 and 15:00. Given the proximity of residential occupiers, it would be necessary to secure these hours by condition. Subject to this and the other controls identified above, the operational activity associated with the café is unlikely to result in unacceptable harm to residential amenity.

42. Representations specifically request that external customer seating should not be permitted because of the potential for noise close to No. 1 Rawreth Lane. The submitted plans do not identify any dedicated external customer seating area, with all customer seating shown to be contained within the building. However, there is a small strip of land within the application site to the front of the building where a small number of tables and chairs could be positioned unless this were restricted by planning condition. Land to the east of the building could also potentially be used although tables and chairs here would be close to the vehicular access. Given the close relationship with the neighbouring residential dwelling and the constrained nature of the site where pedestrian movement, parking and vehicular access must also be maintained, any external seating could give rise to additional amenity and access implications. A condition preventing the provision of external customer seating may therefore be considered necessary.

43. Concerns have also been raised in response to public consultation regarding servicing vehicles, refuse collection and the potential use of third-party delivery companies. Some delivery activity is inherent in almost any commercial use, including the retail use already approved on the site.

44. Nevertheless, delivery activity during particularly early or late hours could result in some disturbance to nearby residential occupiers. Although not controlled within the approved retail application, it is considered that this could again be mitigated through the use of condition, requiring deliveries at specific times only.

45. The southwestern corner of the site, to the rear of the building is indicated on the submitted plan to be the area in which waste and recycling bins would be located. This area is close to the boundary with the adjoining residential dwelling. Given its proximity to the neighbouring residential property, it is considered necessary for the refuse and recycling storage to be appropriately enclosed, covered and ventilated in order to minimise potential odour and other amenity impacts. Full details could be secured by planning condition.

46. Overall, subject to the conditions referred to above it is considered that the proposed use would not give rise to unacceptable harm to residential amenity.

Highway Safety, Parking and Access

47. Highway and parking matters form the principal area of concern raised within the representations received. Objectors refer to existing congestion and parking around Hambro Parade, the loss of informal parking within the application site, the length of time café customers may occupy parking spaces compared with customers of existing shops and services, increased vehicle movements and deliveries, risks to pedestrians and the potential for the proposed parking spaces to interfere with access to adjoining garages.

48. The objections place particular emphasis on the function of the parade, which contains a pharmacy, post office and other local services. Customers of such businesses may often make relatively short visits, whereas customers of a café may remain for materially longer periods. This has the potential to reduce parking turnover and increase pressure upon the finite number of spaces serving the parade. The waiting restriction is also relevant. The three-hour maximum stay would readily accommodate a typical café visit and would allow café customers to occupy spaces for materially longer periods than customers making shorter visits to many of the existing shops and services.

49. These concerns are material insofar as they relate to the adequacy and accumulation of parking, accessibility and the satisfactory functioning of the surrounding area.

50. Policies TR3 and TR4 of the NPPF are relevant to the assessment of transport and parking impacts. Policy TR3 seeks sustainable patterns of movement and good accessibility for different users. Policy TR4 requires development to meet the needs of disabled people and provide a suitable number of parking spaces having regard to the location and nature of the development and relevant locally-set standards. Policies DM1 and DM30 of the Development Management Plan and the adopted Essex Parking Guidance 2024 are also relevant.

Parking Standards

51. The Essex Parking Guidance 2024 adopts a materially different approach from the previous Essex Parking Standards. Section 8.2 expressly states that maximum parking standards are generally not recommended and that minimum vehicle parking standards are adopted unless otherwise stated in the relevant tables.

52. Table 8-4 identifies a minimum vehicle parking standard for a Class E(b) food and drink use of 1 space per 10 square metres. For comparison, Class E(a) retail attracts a lower standard of 1 space per 20 square metres for food retail and 1 space per 30 square metres for non-food retail.

53. The submitted proposed site plan expressly identifies the total gross floor area of the building as approximately 74.9 square metres. Applying the current Class E(b) standard would equate to approximately 7.5 vehicle parking spaces, which would be rounded up to 8, whereas only two off-street spaces are proposed. The proposal therefore provides materially less parking than the minimum standard identified within the current guidance.

54. The Parking Guidance also identifies specific requirements for parking for disabled users. For Class E(b) development with 200 vehicle spaces or fewer, the standard requires 3 disabled parking bays or 6% of the total parking capacity, whichever is greater. On the basis of the minimum eight-space vehicle parking requirement applicable to the proposal, three spaces would therefore be required to be suitable for disabled users.

55. The proposal provides only two parking spaces in total and neither is identified as a disabled parking bay. It is not understood that there are any dedicated disabled parking bays within the existing parking provision serving Hambro Parade. The proposal would therefore provide no dedicated accessible vehicle parking for disabled customers. This is a particular

concern given that some disabled users may be less able to rely upon walking, cycling or more distant alternative parking and consequently represents an additional accessibility impact arising from the substantial parking shortfall.

56. The assessment must therefore consider the shortfall against both the general and disabled parking standards, together with the particular characteristics of the site and surrounding area.

Accessibility

57. The application site lies within an established residential area and a proportion of customers could reasonably be expected to visit on foot. There are also three bus stops in relatively close proximity to Hambro Parade (Rawreth Lane, Farm View and Hullbridge Road) providing an alternative means of access for customers and staff, together with the proposed cycle parking.

58. Essex County Council, as Highway Authority, similarly notes that the site is accessible on foot, by cycle and public transport and identifies the limited-waiting parking provision adjacent to Hambro Parade as being available to users of the commercial premises. As highlighted prior, the on-street parking is subject to a maximum stay of three hours between 08:00 and 18:00 Monday to Saturday, with no return within two hours.

59. These factors support the potential for some limited reduction from the numerical minimum parking standard. The applicant's Reduced Parking Provision Statement relies upon the local nature of the café, pedestrian and public transport accessibility, cycle parking, surrounding public parking and the commercial fallback position. It is also recognised that limited parking availability may influence travel behaviour, with some customers choosing to walk, cycle or travel by bus. However, no quantitative parking accumulation or parking stress evidence has been provided to demonstrate that these factors would reduce parking demand sufficiently to justify provision of only two spaces against a minimum standard of eight. A proportion of customers would still reasonably be expected to travel by car.

60. The location is not comparable to a central town-centre site benefiting from substantial public car parks. The availability, duration of stay and turnover of the finite parking provision serving Hambro Parade therefore remain important to the assessment.

Existing and Surrounding Parking Provision

61. It is clear from the representations received that objectors consider the existing parking provision serving the parade to already be under pressure. During the case officer's site visit the parking provision was observed to be relatively well utilised,

although spaces became available during the period of observation, indicating a relatively frequent turnover of spaces. This represents only a snapshot of conditions and does not amount to a formal parking accumulation or stress survey.

62. The Essex Parking Guidance is directly relevant to such circumstances. Section 2.5 identifies high parking stress as a situation where parking demand is near to or exceeds available capacity. It states that high parking stress can lead to antisocial parking behaviours which can affect highway safety, the free flow of traffic, amenity, access by emergency services, public transport services, refuse collections and deliveries and may also affect accessibility for disabled people and those travelling with young children. Developments in locations where parking stress already exists or is expected to develop, and whose parking requirements could aggravate matters, will be expected to undertake a parking survey to ascertain current parking stress levels and identify potential mitigating measures, aggravating features and sensitive receptors

63. The representations do not amount to a formal parking accumulation or stress survey. They nevertheless provide consistent evidence of local concern regarding the existing availability of spaces. This was consistent with multiple visits to the site by the case officer and the observed turnover also demonstrates the importance of maintaining the availability and turnover of the finite parking resource serving the parade.

Loss of Informal Parking Within The Application Site

64. In the determination of the previous application for a new building for Class E(a) retail use, there was acknowledgement that the vacant site had been used informally for parking but it was concluded that as the land was privately owned and as the spaces were not allocated parking provision serving the existing shops, no objection could be raised to the loss of this provision. The existing use of part of the application site for parking does however highlight the existing parking demand in the area.

65. The current proposal would however not result in the loss of formally required or allocated parking serving the existing businesses and the continuation of that informal arrangement cannot reasonably be required as a means of preventing otherwise acceptable development of the land. The more significant consideration is whether the parking demand generated by the proposed café can be accommodated without materially increasing parking stress within the surrounding area.

Consideration of Previous Commercial Permissions

66. Planning permission 23/00856/FUL established the acceptability of a single-storey commercial building on the site and included

two parking spaces in broadly the same position as those now proposed. The position of the two proposed parking spaces and their relationship with the access and adjoining garages is very similar to the arrangement previously found to be acceptable. Vehicular access to the garages would be maintained.

67. However, the previous permission does not establish that two spaces would be sufficient for an E(b) café use. A café use has a materially greater numerical parking requirement under the 2024 Parking Guidance than the previously approved Class E(a) retail use. The permission also predates the current 2024 Guidance.

68. Accordingly, the previous permission assists in relation to the location and physical arrangement of the spaces, but it does not resolve the separate question of whether the quantity of parking is adequate for the proposed E(b) use.

Nature of Café Use and Parking Duration

69. It is acknowledged that the parking characteristics of a café are likely to differ from those associated with shops.

70. Customers visiting a pharmacy, post office, newsagent or similar retail use may often require parking only for a relatively short period. By contrast, a customer visiting a café may remain on the premises for a longer period whilst consuming food or drink. Although a likely guide only, the submitted floor plan shows 7 tables of 4 people, giving an indication of the café capacity.

71. It is not necessarily the case that the proposed café would generate more individual vehicle trips over the course of a day than the two consented retail units, which could themselves generate substantial customer turnover. However, café customers would reasonably be expected to remain at the premises for longer than customers of a small local retail shop. Customers arriving by car could therefore occupy spaces serving Hambro Parade for longer periods, reducing their availability and turnover.

72. This is material because the 2024 Parking Guidance differentiates between Class E(a) and E(b) uses and requires twice or more the level of parking for E(b) compared with ordinary retail. The applicant places some weight on the fallback position of two commercial units, which could themselves generate customer and staff parking demand throughout the day. However, the two proposed on-site spaces are stated to be principally for staff and operational use. With those spaces occupied, there would therefore be little or no dedicated customer parking within the site and customers travelling by car would be expected principally to rely upon the existing parking provision serving Hambro Parade.

73. The applicant has stated that the proposed café would principally serve the local residential catchment, benefit from linked trips with existing businesses, be accessible by walking, cycling and bus, and make use of surrounding public parking. These considerations weigh in favour of reduced parking provision. However, no parking accumulation survey or assessment of the existing capacity and occupancy of the surrounding parking bays has been provided to demonstrate the extent to which these factors would actually reduce or accommodate the parking demand generated by the café.

74. The fallback is material. Nevertheless, given the substantially higher current E(b) standard, it cannot be assumed that the parking impact would be identical. The café use therefore requires assessment on its own merits.

Opening hours and intensity of use

75. The applicant has confirmed that the café is intended to operate approximately between 07:00 and 15:00, rather than as an evening or late-night use.

76. This limits the duration of the daily operation and avoids evening parking pressures associated with a late-night restaurant or takeaway. The proposed hours are also considered likely to limit the use of food delivery services, if utilised.

77. The proposed hours however do coincide substantially with the daytime operating periods of the existing shops and services at Hambro Parade. The café would therefore be generating its principal parking demand at broadly the same times that existing shops in the parade would generate parking demand.

Consideration of the Impact and Functioning of Existing Businesses.

78. Where parking associated with a development would materially increase parking stress, displace vehicles onto surrounding roads or reduce the effective functioning of a constrained local parking area, this can amount to a material planning consideration. The issue is not the protection of individual businesses from competition, but whether the additional and potentially longer-duration parking demand associated with the café would materially worsen the availability and turnover of the finite parking resource serving Hambro Parade.

79. The 2024 guidance is designed to assist local planning authorities in determining appropriate levels of parking provision for new developments with the standards intended to guide new development in order that the appropriate balance can be achieved between securing a reduced reliance on the private car while needing to make provision for travel by all modes in a way

that does not prejudice the safety or the quality of new development.

80. Parking provision can have direct and indirect impacts, including in relation to the economy. The availability of parking can also be a major determinant of travel mode choice, with the quantity, quality and location of parking relative to other transport options influencing how people choose to travel.

81. The proposal would not provide on-site parking provision which meets the minimum recommended number of bays for a Class E(b) café use as set out in the 2024 Parking Guidance. Customers of the proposed café travelling by car may therefore seek to use existing parking provision serving the parade, reducing the availability and turnover of those spaces for other users of the parade. Some additional lawful on-street parking may also be available within surrounding residential roads, although these spaces do not form part of the dedicated parking provision serving the parade and reliance upon displacement into residential streets should not be encouraged, particularly where this could result in additional parking pressure for neighbouring occupiers. It is acknowledged that the parade is accessible by means other than the private car. It lies within walking distance of a substantial residential catchment and there are three bus stops in relatively close proximity at Rawreth Lane, Farm View and Hullbridge Road. Increased competition for parking may therefore influence travel behaviour, with some customers choosing to walk, cycle or travel by bus. Conversely, where customers need or choose to travel by car, increased difficulty in obtaining a parking space may make the parade less convenient to access and could affect the satisfactory functioning of the parade as a whole, including access to the pharmacy and other existing shops and services.

82. Given the substantial shortfall against the current E(b) minimum parking standard, together with the absence of parking accumulation or parking stress evidence demonstrating sufficient spare capacity within the surrounding parking provision, this concern is afforded significant weight. The matter must nevertheless be balanced against the accessibility of the location, including the nearby bus stops and opportunities for walking and cycling, the availability of some surrounding lawful parking, the commercial fallback position and the advice of the Highway Authority.

Highway Authority Response

83. Essex County Council, as Highway Authority, raises no objection, acknowledging that the application proposes a Class E(b) commercial unit, that the existing shared access would continue to be used and that two off-street spaces are provided.

It also takes account of the surrounding parking restrictions, accessibility by sustainable modes and the limited-waiting public parking available adjacent to Hambro Parade. The Highway Authority concludes that “From a highway and transportation perspective the impact of the proposal is acceptable”, subject to conditions requiring the two parking spaces to be provided and retained and secure covered cycle parking to be provided.

84. It is particularly important in considering whether the development would result in a severe adverse impact upon the transport network or an unacceptable impact upon highway safety. The Highway Authority has not identified either level of harm.

85. Significant weight is afforded to the Highway Authority's advice, particularly in relation to the safety and operation of the highway network. However, the Local Planning Authority's assessment is not restricted solely to whether an unacceptable highway safety impact would arise. The adequacy of parking provision, parking accumulation and the consequences of displacement onto an already constrained surrounding parking resource are wider material planning considerations. In this case, the Highway Authority's no objection does not demonstrate that the substantial shortfall against the adopted minimum parking standard would avoid additional parking stress or satisfactorily address the requirements of the Essex Parking Guidance 2024.

Relevant Appeal Considerations

86. Regard has been had to appeal decision APP/B1550/W/20/3263489 concerning 22-24 Southend Road, Hockley. Although the proposal in this case was materially different to the current proposal, involving a residential flatted development and a different parking layout, the Inspector's approach to parking is relevant.

87. In that case, the Inspector considered that the tandem parking arrangement was inconvenient and could encourage occupiers to park on surrounding streets. The Inspector found that this could exacerbate on street parking demand, increase competition for spaces and harm neighbouring living conditions. Importantly, the Inspector expressly noted that the Local Highway Authority had raised no objection but concluded that this did not alter the Inspector's findings. The Inspector ultimately concluded that the inadequate parking arrangement would harm both future occupiers and neighbouring occupiers.

88. Regard has also been had to appeal decision APP/B1550/W/17/3177724 at 8 Imperial Park, Rawreth Lane, Rayleigh. Although the proposal and site circumstances were materially different, the Inspector considered the availability of shared and unallocated parking and found that the evidence did

not adequately demonstrate that the parking demand generated by the proposed use could be accommodated. The Inspector also recognised that the availability of unallocated parking could reduce when surrounding units were more fully occupied and concluded that additional demand could place pressure upon the shared parking resource.

89. Neither appeal is directly comparable to the current proposal. However, together they support the principle that inadequate parking provision may result in wider planning harm through displacement and increased competition for a finite parking resource, notwithstanding the absence of objection from the Highway Authority, and that where a development materially relies upon surrounding or shared parking capacity, the availability of that capacity should therefore be adequately demonstrated.

Other Parking, Congestion and the Local Highway Network

90. Representations refer to existing illegal parking, congestion and inappropriate manoeuvring, particularly around the one-way system. Existing parking conditions are relevant where a development has the potential to materially worsen those circumstances. Nevertheless, the possibility that some future users may park unlawfully cannot itself justify refusal. Enforcement of waiting restrictions and other unlawful parking behaviour falls under separate legislation.

Access to Adjoining Garages

91. Representations also raise concern that the two proposed parking spaces would interfere with access to adjoining garages to the rear and private rights of way. However as mentioned above, the arrangement of the spaces is materially the same as the arrangement already approved for the previous commercial scheme. The existing shared access to the garage block would remain, and the current submitted plan indicates that access is to be left clear. Any separate dispute concerning private easements, deeds or rights of way is a civil matter between the relevant landowners and would not be created or extinguished through the grant of planning permission.

Delivery and Servicing

92. Objectors raise concern that the café would generate delivery vehicles and potentially third-party food delivery drivers. Some delivery and servicing activity is inherent in any commercial use, including the two retail units previously approved on the site, which would themselves require deliveries, although the frequency and pattern of servicing associated with a café may differ.

93. Having regard to the modest scale of the proposed café, deliveries would reasonably be expected to be undertaken predominantly by vans or similar smaller commercial vehicles rather than large delivery vehicles. The access and manoeuvring area are considered capable of accommodating vehicles of this scale and the Highway Authority has not raised an objection in respect of servicing arrangements. The servicing requirements of the proposal are therefore not considered to give rise to unacceptable highway impacts.

94. The proposed opening hours would also limit the period during which servicing and third-party food deliveries could occur. Delivery and refuse collection hours could be controlled separately by condition in the interests of neighbouring residential amenity.

Overall Highway and Parking Conclusion

95. The access and parking layout is considered acceptable. Two parking spaces in broadly the same position have previously been approved for Class E(a) commercial development at the site and access to the adjoining garages would remain available. However, the principal issue is the quantity of parking available to serve the proposed use. The development would provide only two spaces against a current Class E(b) minimum standard of eight spaces. This represents a substantial shortfall. Furthermore, those spaces are intended principally for staff and operational use, with café customers travelling by car therefore expected to rely largely upon the existing parking resource serving Hambro Parade. In addition, no dedicated disabled parking space is proposed, notwithstanding the specific accessible parking requirement within the Parking Guidance and the absence of dedicated disabled parking within the existing provision serving Hambro Parade

96. Representations identify existing pressure upon the limited parking provision serving Hambro Parade. The applicant's further parking statement identifies a number of factors which may reduce reliance upon the private car, including the local residential catchment, walking and cycling opportunities, nearby bus services and surrounding public parking. These matters are acknowledged and weigh in favour of the proposal. However, no parking accumulation or parking stress survey, or other quantitative evidence has been provided to demonstrate the existing capacity and occupancy of the surrounding parking resource or that the additional demand associated with the café could be accommodated without materially worsening existing parking conditions.

97. This is particularly relevant given that Hambro Parade contains nine existing commercial units which rely upon a finite parking resource and that café customers would reasonably be expected to occupy parking spaces for longer periods than customers of many of the existing retail and service uses, thereby reducing turnover. Whilst some lawful parking may be available on surrounding residential roads, reliance upon displacement into those streets should not be encouraged and could itself result in additional parking pressure for neighbouring occupiers. Such displacement would also be less suitable for disabled customers, particularly in circumstances where neither the proposed development nor the existing parking provision serving the parade provides a dedicated disabled parking bay.

98. The no objection from Essex County Council Highways is afforded significant weight and indicates that the proposal would not result in an unacceptable highway safety impact. However, it does not outweigh the substantial departure from the adopted minimum parking standard or demonstrate that the additional parking demand and longer customer dwell times could be accommodated without materially increasing parking stress and competition for the finite parking resource serving the parade.

99. It has therefore not been demonstrated that adequate parking provision would be available to serve the proposed development. The proposal would be likely to increase pressure upon and competition for the limited surrounding parking provision, to the detriment of the satisfactory functioning and amenity of Hambro Parade, whilst failing to make appropriate provision for disabled users. The proposal is therefore contrary to Policies DM1 and DM30 of the Development Management Plan, the Essex Parking Guidance 2024 and Policies DP3 and TR4 of the NPPF.

BNG (Biodiversity Net Gain)

100. The applicant has submitted a Biodiversity Net Gain Exemption Statement. The application site comprises predominantly existing hardstanding and the submitted statement states that less than 25 square metres of habitat having a biodiversity value greater than zero would be affected by the development. The applicant therefore relies upon the statutory de minimis exemption from mandatory Biodiversity Net Gain and this is accepted. The statutory Biodiversity Gain Condition would therefore not apply to the development.

Archaeology

101. Place Services archaeological advisor confirms that no known remains associated with those structures are likely to be present within the application site and that there are no other recorded archaeological remains within the immediate area

which indicate a significant likelihood of archaeological deposits being affected. Place Services consequently raises no objection to the application and does not request archaeological investigation or mitigation.

Other Matters Raised in Representations

Potential Takeaway or More Intensive Food Uses

102. Representations express concern that approval of the proposed café could result in the premises subsequently being operated as a hot-food takeaway or a significantly more intensive food business. The application under consideration is specifically for a Class E(b) use, relating to the sale of food and drink principally for consumption on the premises. The current proposal has therefore been assessed on that basis. A conventional hot-food takeaway where food is principally consumed away from the premises is a separate land use and would not be authorised by the current permission.

103. The particular cuisine or menu offered within a lawful E(b) use is not itself determinative for planning purposes. The relevant effects of food preparation, including extraction noise and cooking odours, have instead been considered by Environmental Health and are capable of being controlled through the recommended conditions.

Equalities and Diversity Implications

104. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

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

106. Taking account of the nature of the proposed development and representations received, particular regard has been had to the protected characteristic of disability. The proposal would provide no dedicated disabled parking space, notwithstanding the accessible parking requirement identified

within the Essex Parking Guidance 2024, and there are no dedicated disabled parking bays within the existing parking provision serving Hambro Parade. Disabled customers may be less able to rely upon more distant alternative parking or other modes of travel. The parking shortfall could therefore have a disproportionate adverse impact upon some disabled users. This matter weighs against the proposal and has been taken into account in the planning balance.

PLANNING BALANCE

107. The proposal would provide an additional local commercial service, with associated economic and community benefits. The principle of commercial development on the site has previously been established and the development is considered acceptable in terms of its design and, subject to appropriate conditions, residential amenity. No objection has been raised by Environmental Health, Place Services Archaeology or Essex County Council Highways. The site's location within a substantial residential catchment, together with opportunities for walking and cycling and the nearby bus services, also provides some realistic alternatives to private car travel.

108. Weight is also afforded to the previous commercial permission, the availability of some surrounding lawful parking and the possibility that constrained parking availability may itself encourage some customers to travel by alternative modes. Conversely, the proposal would provide two parking spaces against a minimum standard of eight, with those spaces intended principally for staff and operational use. Customer parking would therefore rely substantially upon the finite parking provision serving the nine existing commercial units and potentially upon surrounding residential roads.

109. Having regard to the likely longer duration of café visits, the existing concerns regarding parking availability and turnover and the absence of quantitative parking accumulation or parking stress evidence demonstrating sufficient available capacity, significant weight is afforded to the risk of increased parking stress and consequent harm to the satisfactory functioning and amenity of Hambro Parade. Additional weight is afforded to the absence of dedicated disabled parking provision and the potential disproportionate impact upon disabled users. The economic, community, accessibility and other benefits of the development are not considered sufficient to outweigh this

identified harm. The proposal is therefore contrary to the Development Plan when read as a whole.

CONCLUSION

Having regard to the planning balance set out above, planning permission should be refused.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council : No objection

ECC Highway Authority: No objection

Rochford Council Environmental Health: No objection

Place Services Archaeology: No objection

Neighbours: 9 individual responses received and a petition (19 signatures) with comments summarised as below:

- Insufficient parking provision.
- Existing parking congestion/stress.
- Loss of informal parking.
- Longer café customer parking stays.
- Reduced parking turnover.
- Impact on access to existing local services.
- Increased illegal/inappropriate parking.
- Increased traffic and vehicle movements.
- Highway and pedestrian safety concerns.
- Impact on schoolchildren.
- Proximity to bus stops/zebra crossing.
- Delivery vehicle impacts.
- Obstruction of garage access.
- Private rights of way/access concerns.
- Noise from customers and general activity.
- Cooking odours.
- Extraction/ventilation noise.
- Potential external seating impacts.
- Refuse/waste and pest concerns.
- Concern regarding future takeaway/intensive food use.
- Concern regarding character/overdevelopment.
- Lack of need for an additional café.
- Potential impact on existing businesses.

Relevant Development Plan Policies:

National Planning Policy Framework 2026

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Essex Parking Guidance (2024)

The Essex Design Guide (2018)

RECOMMENDATION: <u>REFUSE</u>

Reason for Refusal:

1. The proposed development would provide insufficient off-street parking to serve the proposed Class E(b) use, with two spaces proposed against a minimum standard of eight spaces set out in the Essex Parking Guidance 2024, and no dedicated disabled parking provision. Having regard to the existing and finite parking provision serving Hambro Parade and the likely longer duration of parking associated with the café use, the applicant has failed to demonstrate that the shortfall could be accommodated without materially increasing parking pressure and competition for the limited parking resource serving the parade. The absence of appropriate disabled parking provision would also adversely affect accessibility for disabled users. The proposal would therefore be detrimental to the satisfactory functioning and amenity of Hambro Parade and would fail to provide appropriate and inclusive parking provision, contrary to Policies DM1 and DM30 of the Development Management Plan, the Essex Parking Guidance 2024 and Policies DP3 and TR4 of the NPPF.

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