



**Rochford District  
Council**

<b>APPLICATION NO.</b>	23/00448/FUL
<b>ADDRESS</b>	Glazebrook Farm Canewdon Road Ashingdon Essex SS4 3JL
<b>APPLICATION DETAILS</b>	Sever land and erect 3 x detached, 6-bed dwellings with associated access, car parking, and bin and cycle storage, involving demolition of existing storage buildings.
<b>APPLICANT</b>	Barker Nelsam Ltd - Mr Woodrow Barker
<b>ZONING</b>	Metropolitan Green Belt
<b>PARISH</b>	Ashingdon
<b>WARD</b>	Hockley and Ashingdon

**REPORT SUMMARY**

This item is brought before the committee in the interests of openness and transparency because the chairman of the Development Committee is employed and has premises on the application site.

The application site contains 6No. buildings. Some of the buildings are in much better condition than others. There is also a large amount of hardstanding which is partially occupied by heavy plant machinery and various types of building materials. The existing buildings on site are predominately single storey and are of a simple diminutive utilitarian design. However, there is also a large two storey detached building which is highly prominent and clearly visible from within and outside the site as one drives in an easterly or westerly direction along Canewdon Road.

The applicant is proposing to demolish the existing buildings on the land and sever the land and erect 3 x detached, 6-bed dwellings with associated access, car parking, and bin and cycle storage.

**RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

that planning permission be refused for the following reasons:

1. Due to the absence of an Arboricultural Impact Assessment, it has not been possible to assess what constraints the trees pose on the proposal and the potential impact that the proposed dwelling may have on the retained tree

stock. Therefore, insufficient information has been submitted to support the development, contrary to Policy DM25 of the Council's Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity.

2. The application site lies adjacent to shrub, tree and other ground vegetation that could form habitat which would be suitable for protected species. There are several buildings on the site which are in a poor state of repair that could also be suitable habitats for protected species. Furthermore, the site also adjoins open undeveloped and wooded land. No ecological survey has been submitted with the application to establish the presence or absence of protected species at the site or to determine appropriate mitigation should it be required. It can therefore not be determined whether the proposal would result in harm to protected species. Insufficient ecological information has been submitted to support the development, contrary to Policy DM27 of the Council's Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity.
3. The application is a full application for new residential dwellings which are a sensitive end use and could be affected by any ground contamination present on the site. No Phase I desk study and walkover survey has been submitted with the application and the applicant has therefore failed to demonstrate that the site is not constrained by contamination. Accordingly, the proposal is contrary to Policy ENV11 of the Council's Core Strategy Development Plan Document and the National Planning Policy Framework including, but not limited to Chapter 15 "Conserving and Enhancing the Natural Environment" paragraph 174 parts e) and d).
4. The proposed development would result in inappropriate development in the Metropolitan Green Belt. The scale and mass of the proposed dwellings would have a greater impact on the openness of the Green Belt than the existing built form. The development is not considered to meet the criteria and exceptions outlined in the Council's Development Management Plan and the National Planning Policy Framework. There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore fail to comply with local policy and the National Planning Policy Framework and if allowed would cause an incremental loss of openness detrimental to the character of the metropolitan Green Belt.

**1.0 PLANNING APPLICATION DETAILS**

<b>DRAWING NOS.</b>	23/800 503, 23/800 504, 23/800 502, 23/800 501 and the Location Plan
<b>SUBMITTED DOCUMENTS</b>	Design and Access Statement

- 1.1 The application site lies to the north of Rochford town centre along Canewdon Road. The application site is located wholly within the Metropolitan Green Belt. The application site is an elongated rectilinear parcel of land which measures approximately 2663m<sup>2</sup>. The boundaries to the site are demarcated by mature native hedgerows which are punctuated at sporadic intervals by mature trees. Access into the site is directly off Canewdon Road. Located at the end of the access road which traverses the entire eastern boundary and terminates at a detached residential property, which is approximately 85m away from the application site.
- 1.2 The application site contains six buildings, some of the buildings are in much better condition than others. There is also a large amount of hardstanding which is partially occupied by heavy plant machinery and various types of building materials. The existing buildings on site are predominately single storey and are of a simple diminutive utilitarian design. However, there is also a large two storey detached building which is highly prominent and clearly visible from within and outside the site as one drives in an easterly or westerly direction along Canewdon Road.
- 1.3 The applicant is proposing to demolish the existing buildings on the land and sever the land and erect three detached, 6-bedroomed dwellings with associated access, car parking, and bin and cycle storage.
- 1.4 The proposed dwellings would have a rectangular footprint and be of a chalet type appearance encompassing 1.5 storey height. The proposed dwellings would incorporate a gable roof. Located on the front and rear elevations will be a centralized gable projection which helps to break up the scale and mass of the proposal. Furthermore, there will be four pitched roofed dormer windows on each roof plane. Located at the side of each proposed dwellinghouse will be an area of hardstanding which can accommodate several vehicles and private amenity space will be situated towards the rear of the proposed dwellinghouses.

**2.0 MATERIAL PLANNING CONSIDERATIONS**

### **Principle of Development**

- 2.1 The latest version of the National Planning Policy Framework (‘the Framework’) was revised in September 2023. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
- 2.2 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Green Belt considerations**

- 2.3 Both policies GB1 and GB2 of the Council’s Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration.
- 2.4 Consequently, the main issues are:
- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
  - The effect of the proposal on the openness of the Green Belt; and

- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.
- 2.5 As previously stated, the application site is located wholly within the Metropolitan Green Belt. Paragraph 137 of the framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open Paragraph; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 repeats the five purposes of the Green Belt, which include:
- i) To check the unrestricted sprawl of large built-up areas;
  - ii) To prevent neighbouring towns merging into one another;
  - iii) To assist in safeguarding the countryside from encroachment;
  - iv) To preserve the setting and special character of historic towns; and
  - v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 2.6 Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 2.7 Paragraph 149 of the framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Buildings for agricultural and forestry.
  - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of original building.
  - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
  - e) Limited infilling in villages.
  - f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites)
  - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 2.8 By virtue of paragraph 149 of the framework the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (g) (the partial or complete redevelopment of previously developed land) to paragraph 149 of the framework.
- 2.9 As previously stated, the application relates to an elongated rectilinear site which contains several buildings in various states of repair. The majority of the buildings are located perpendicular to Canewdon Road. An access road which serves the buildings on the application site traverses the entire eastern boundary of the site and terminates at a detached residential property, which is located approximately 85m to the south. The case officer noted that in the locality were various rural outbuildings which were punctuated at sporadic intervals by residential properties. There is no built-up frontage along this stretch of Canewdon Road, it has mature hedgerow along both sides (albeit patchy in some places) with sporadic views of the countryside beyond. There are no residential dwellings currently in-situ on the application site. According to the Design and Access Statement and accompanying plans the proposal is for three detached chalet type dwellinghouses, given the factors cited above it is considered that the exceptions a) to f) do not apply.
- 2.10 Paragraph 150 of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
- 2.11 Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The applicant must therefore demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that

exist to outweigh that harm. It is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” in their own right.

2.12 These very special circumstances are dealt with in detail in the applicants Planning Statement and include the following:

- The redevelopment and optimisation of a brownfield site.
- New residential dwellings helping to meet the Council’s housing targets and delivery family housing.
- A high-quality architectural design which addresses the Green Belt context. It will remove unsightly buildings with limited architectural merit and replace them with well-designed homes which seek to reflect the context in which they sit;
- A sensitive landscaping proposal which helps to integrate the proposed development into its surroundings and results in visual enhancements; and
- The creation of new jobs associated with the construction process.

**Assessment Against Exception (g)**

2.13 It is agreed by officers and the planning agent, that only part (g) requires consideration in relation to the current proposal. The exception under part (g) allows for the partial or complete redevelopment of PDL where either the development would not have a greater impact on the openness of the Green Belt or where the development would not cause substantial harm and would contribute towards an identified affordable housing need.

2.14 PDL is defined in the appendix to the NPPF as:

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

2.15 The proposed site is currently occupied in part by six buildings of various size and condition. The majority of the buildings are constructed out of concrete block with insulated metal sheeting or concrete panels under corrugated rooves. All the buildings on site are of simple utilitarian appearance. In the opinion of the case officer the existing built form was stark and stolid and did not contribute positively to the wider rural vernacular. The majority of the buildings are single storey in height. However, the case officer noted that the

largest building was two storeys high and was highly prominent from within and outside the site. The majority of the buildings were being used for various types of storage, whilst the two-storey building was occupied by a joinery business. The case officer also witnessed various plant machinery and building materials being stored in the open towards the rear of the site. In addition, there were several shipping containers. The case officer also noted copious amounts of hardstanding around the various buildings. In the opinion of the case officer the presence of these buildings/structures on site is a negative feature to the Green Belt and their removal would be a positive improvement to the Green Belt. The applicant's agent contends that these buildings etc. are all dispersed around the application site and the proposal would tidy up a poorly laid out site by coalescence of the built form. Having visited the site, it was patently evident that the majority of these structures/buildings had been on site for a considerable amount of time, well in excess of 10 years.

- 2.16 The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
- 2.17 In the justification for the proposal as part of the applicants Design and Access Statement and accompanying plans the agent infers that the proposal complies with part (g) of para 149 of the framework as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal will not have any adverse impact on the openness of the Green Belt either visually or spatially due to the existing built form, which will be demolished in order to make way for the proposed dwellinghouses. The agent has calculated the floor area/volume of the existing built form and then the proposed uses, which are summarised below:

<b>Existing Building/Structures</b>	<b>Floor Area</b>	<b>Volume</b>
Building No.1	153m <sup>2</sup>	428m <sup>3</sup>
Building No.2	44m <sup>2</sup>	167m <sup>3</sup>
Building No.3	33m <sup>2</sup>	77m <sup>3</sup>
Building No.4	281m <sup>2</sup>	1459m <sup>3</sup>
Building No.5	28m <sup>2</sup>	62m <sup>3</sup>
Building No.6	55m <sup>2</sup>	147m <sup>3</sup>
<b>TOTAL</b>	<b>594m<sup>2</sup></b>	<b>2340m<sup>3</sup></b>



<b>Proposed Structure</b>	<b>Cumulative Floor Area</b>	<b>Volume</b>
Plot No.1	288m <sup>2</sup>	691m <sup>3</sup>
Plot No.2	288m <sup>2</sup>	691m <sup>3</sup>
Plot No.3	288m <sup>2</sup>	691m <sup>3</sup>
<b>Total</b>	<b>864m<sup>2</sup></b>	<b>2073m<sup>3</sup></b>

- 2.18 In addition to the above, the applicant’s agent stresses that the existing built form has varying ridge heights which range from 3.4m to 8.9m (approx.). The agent goes on to state that the proposed dwellinghouses will have a maximum ridge height of 7.7m. The agent contends that the reduced ridge height of the proposed dwellinghouses will help to mitigate any impact that the proposed development may have on the openness of the Green Belt as the existing built form is visually more intrusive than the current proposal.
- 2.19 Paragraph. 149 part (g) of the framework states an exception may comprise an “partial or complete redevelopment of previously developed land”. As previously stated, it is accepted that the site constitutes PDL. Notwithstanding the above, exception g) should be read as a whole and goes onto to state the following:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 2.20 The framework identifies the fundamental aim of the Green Belt as “...to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
- 2.21 The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
- 2.22 The applicant’s agent infers that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposed development for three 1.5 storey detached dwellinghouses (as shown on the layout plan) would not cause demonstrable harm to the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, Timmins and Lynn

v Gelding Borough Council 2014 and Goodman v SSCLG 2017. Both cases were related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. Therefore, to fully appreciate the impact of the proposal on the Green Belt it is important to address other factors, which includes footprint, built volume, height etc.

- 2.23 In terms of openness of the Green Belt, the proposal would involve the demolition of numerous buildings/structures and removal of large areas of hardstanding, due to the construction of three 1.5 storey detached dwellings. The existing buildings which are to be demolished are predominately single storey in height; however, as previously stated the main building is two storey high (according to the submitted plans the heights of these existing buildings/structures vary from 3.4m to 8.9m). The proposal would introduce three 1.5 storey dwellings (the maximum height of the proposed dwellinghouses would be roughly 7.7m). Therefore, the maximum ridge height of the proposed dwellinghouses is substantially less than the height of the tallest building currently on site. Additionally, the total volume of the existing built form is 2340m<sup>3</sup>, which is substantially greater in comparison to the proposal, which is 2073m<sup>3</sup> (a difference of 267m<sup>3</sup>), the reduction in volume on the site is welcomed.
- 2.24 However, notwithstanding the above, the cumulative floor area of the proposed dwellinghouses is 864m<sup>2</sup> in comparison to the floor area of the existing built form which equates to 594m<sup>2</sup>. As such the proposed dwellinghouses would (taken cumulatively) be some 270m<sup>2</sup> greater in floor space than the existing buildings. Subsequently, it is considered that the proposal would have a greater impact upon the openness of the Green Belt by way of its greater spatial (by way of the increased floorspace) impact. It could be argued that a small increase in floor space may be acceptable as there is some betterment to be obtained due to the removal of the unsightly buildings on site. However, the case officer considers an increase in floor space of 270m<sup>2</sup> is not inconsequential. The development proposal would result in an increased scale, massing and bulk to the detriment of the aims and character of the Green Belt. In the opinion of the case officer the proposal would erode the openness of the Green Belt in spatial terms with the development having a greater impact on the openness of the Green Belt and so would not benefit from exception g) of the Framework. Consequently, in the opinion of the case officer the proposed development would therefore fail to comply with relevant policies in the Local Development Management Plan, Core Strategy and Policy 149 of the framework.

### **Sustainability**

- 2.25 The applicant's agent stresses that the proposal is not located in a disparate and isolated location and if permitted will help to contribute to the local economy through the creation of jobs during the construction phase and residents of the property will be able to utilise local goods and services.
- 2.26 In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following:
- allocated town centre.
  - doctors' surgery.
  - school (primary or secondary); or
  - convenience retail store.
- 2.27 The site is located in close proximity to Ashingdon Road and there is a nearby primary school (Ashingdon Primary School). It is considered that the site would satisfy the criteria bullet-pointed above with regard to Policy DM10. Furthermore, the site benefits from good highway connections and is in close proximity to direct bus routes.
- 2.28 The agent infers that this windfall site will help to create additional dwellings which will help to meet the needs of the local community due to the housing shortage and given its proximity to local services is not in an isolated location. The case officer acknowledges that the application site complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly; however, it is considered given the constraints of the site within a Green Belt location the proposal will have a significant detrimental impact on the locality and the harm which will be caused doesn't justify approving the proposal and as such the amount of weight given to this factor is limited.
- 2.29 The agent also states that the proposal will achieve a high-quality architectural design which addresses the Green Belt context. Furthermore, it will remove unsightly buildings with limited architectural merit and replace them with well-designed homes which seek to reflect the context in which they sit. The agent goes on to state that the proposal will be sensitively landscaped which helps to integrate the proposed development into its surroundings and results in visual enhancements. In the opinion of the case officer any development should be sensitively landscaped so that it fits into the local environ and this is not a sufficient justification to warrant an approval. Additionally, whilst the design of the proposed dwellinghouses are of a reasonable standard they are not particularly innovative; and the design of the proposed dwellinghouses do not justify the special circumstances needed for the development to be considered acceptable in this Green Belt location.

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

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

#### **Layout, Scale and Appearance**

- 2.32 Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (para 126).
- 2.33 The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para 134).
- 2.34 The surrounding area is characterised by a variety of housing types which includes bungalows, two-storey semi - detached properties, some of which incorporate projecting gables, flat roofed and/or pitched roofed dormer windows.
- 2.35 It is considered that the design of the proposed dwellinghouses are in keeping with the local vernacular. Whilst they are seemingly not being innovative in any particular way, they would not be considered to be tantamount to alien

built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. The proposal would be considered compliant with Policy DM1 of the Development Management Plan in this regard.

### **Impact on Residential Amenity**

- 2.36 Paragraph 130 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
- 2.37 Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
- 2.38 It is considered that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
- 2.39 According to the submitted layout plan (23/800 502) the proposed dwellings would be arranged in a linear fashion fronting the access road and perpendicular to Canewdon Road. According to the submitted plans no apertures are proposed in the flank elevations of any of the properties. It is considered that the proposal due to their design and orientation would not result in material overlooking or overshadowing, nor would they dominate the outlook. As such the proposal is compliant with policies DM1 and DM3 of the Council's Development Management Plan.
- 2.40 The nearest residential property to the application is located to the south. According to the Council's GIS database there is a distance in excess of 85m separating the application site from this property. As such it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to this property neither would the proposal result in any significant overbearing impact. The proposal would be compliant with Policy DM1 and DM3 in this regard.

## **Living Conditions for Future Occupiers**

### **Garden Sizes**

- 2.41 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 SPD2 advises a suitable garden size for each type of dwellinghouse. Paragraph 130 criterion (f) of the framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 2.42 The SPD2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m<sup>2</sup> minimum.
- 2.43 The layout submitted shows that the proposed dwellings could be provided with a rear private amenity space well in excess of 100m<sup>2</sup>. Plots Nos. 1 and 2 each would have excess in of 310m<sup>2</sup>, whilst plot No.3 would have in excess of 400m<sup>2</sup>. The proposed dwellings, therefore, could more than satisfy the outdoor amenity space requirements set out in the SPD2.

### **Technical Housing Standards**

- 2.44 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.
- 2.45 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.
- 2.46 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.
- 2.47 A 1.5 storey dwelling which would comprise six bedrooms accommodating either seven or eight people would require a minimum Gross Internal Floor

Area (GIA) of 123m<sup>2</sup> or 132m<sup>2</sup>, respectively. Additionally, each dwelling must have a minimum of 4m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed plots 288m<sup>2</sup>. It is considered in terms of overall GIA the proposal complies with the specified technical standards.

2.48 The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot No.1		Plot No.2		Plot No.3	
Bedroom No.1	26.3m <sup>2</sup>	Bedroom No.1	26.3m <sup>2</sup>	Bedroom No.1	26.3m <sup>2</sup>
Bedroom No.2	22.6m <sup>2</sup>	Bedroom No.2	22.6m <sup>2</sup>	Bedroom No.2	22.6m <sup>2</sup>
Bedroom No.3	23m <sup>2</sup>	Bedroom No.3	23m <sup>2</sup>	Bedroom No.3	23m <sup>2</sup>
Bedroom No.4	11m <sup>2</sup>	Bedroom No.4	11m <sup>2</sup>	Bedroom No.4	11m <sup>2</sup>
Bedroom No.5	10m <sup>2</sup>	Bedroom No.5	10m <sup>2</sup>	Bedroom No.5	10m <sup>2</sup>
Bedroom No.6	50m <sup>2</sup>	Bedroom No.6	50m <sup>2</sup>	Bedroom No.6	50m <sup>2</sup>

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

2.50 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.

2.51 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.

### **Flooding**

- 2.52 According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the framework.

### **Drainage**

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

### **Refuse and Waste Storage**

- 2.54 The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage to accommodate the refuse bins.

### **Contaminated Land**

- 2.55 Policy ENV11 (Contaminated Land) of the Core Strategy states that *"The presence of contaminated land on a site will not, in itself, be seen as a reason to resist its development. The Council will require applicants who wish to develop suspected contaminated land to undertake a thorough investigation of the site and determine any risks. Relevant remediation and mitigation measures will need to be built into development proposals to ensure safe, sustainable development of the site"*.
- 2.56 When the case officer visited the application site it was evident that several of the buildings were being used for storage and the main building was being utilised as a joinery business. Significant proportions of the site appeared to



be unmaintained and neglected and other parts were overgrown. Within the site were various oil drums, storage containers and other detritus. It also appeared that chemicals were being stored in some of the buildings and there was an empty thermoplastic tank. The case officer also observed that heavy plant machinery was being stored within the site and various building materials. Due to the sensitive nature of the proposed development, the case officer considers it prudent that the application should have been accompanied with a contaminated land report to ascertain the likelihood of any contaminants being present.

- 2.57 This information was not included with the application and will subsequently form an additional reason for refusal.

### **Trees**

- 2.58 Policy DM25 of the of the Development Management Plan 2014 states that:

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

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

- 2.59 According to the case officer site visit the boundaries to the application site are demarcated (for the most part) by mature native hedgerow which are punctuated at sporadic and intermittent intervals by mature trees. Furthermore, the case officer observed a small copse of trees immediately to the south of the application and numerous trees located to the east. The submitted planning statement and application forms indicate that the proposed development would not require the loss of any significant trees. However, an Arboricultural Impact Assessment (AIA) in accordance with BS 5837 has not been submitted, so there is not sufficient information to determine whether the existing trees will be impacted or if any works will need to be conducted on the existing trees. Due to the lack of AIA it is not possible to fully assess what impact that the proposal may have on the surrounding environ and as such this will constitute an additional reason for refusal.

### **Impact on Highway Safety**

- 2.60 Policies DM1 and DM3 of the Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
- 2.61 The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
- 2.62 In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.63 The proposed layout plan (Plan Reference 23/800 502) shows a shared vehicular access/egress arrangement onto Canewdon Road. Furthermore, the layout plans show that a minimum of two car parking spaces can be accommodated at the side of the proposed dwellinghouses. Colleagues in Essex County Council Highways Department have been consulted on the current application and state "*It is expected that the daily vehicle trips generated by the proposal will be not intensify the permitted use of existing shared vehicle access. The proposal includes the subdivision of the site and demolition of existing buildings and provision of three detached dwellings with off-street parking. The proposed dwellings will utilise the shared private drive*".
- 2.64 The Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to each dwelling having 2no. off-street parking spaces, cycle parking provision, reception and storage of building materials and standard informatives, which will all be secured by the imposition of appropriately worded planning conditions, in the event that planning permission is approved.
- 2.65 It is considered that there is sufficient car parking arrangements and appropriate access to serve the proposed dwellings. In conclusion, the proposal is acceptable and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

### **On Site Ecology**

- 2.66 Policy DM27 of the Development Management Plan states that proposals should not cause harm to priority species and habitats. There is the potential for protected species to be present on the site due to poor state of several buildings/structures within the application site, overgrown hedges and surrounding scrubland and the adjoining woodland. Such habitats could support protected species such as bats, breeding birds, badgers, dormice, invertebrates and reptiles.
- 2.67 As there is suitable habitat on the site to support protected species, a phase 1 ecological survey of the site would be required as a minimum to establish the presence or absence of protected species and to ensure that appropriate mitigation could be secured if necessary to ensure that no harm would be caused to protected species as a result of the development.
- 2.68 No ecological survey of this particular site has been provided and therefore it cannot be determined whether there is the presence of protected species on the site. The application is supported by insufficient information to determine the acceptability of the proposal with regard to impact on ecology and the proposal would therefore fail to accord with Policy DM27. The proposal would also be contrary to that part of the NPPF which requires that development minimises impacts on and provides net gains for biodiversity.

### **Off Site Ecology**

- 2.69 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.
- 2.70 The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for three dwellings.

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

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

- No

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

- No

2.71 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.

2.72 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.

## **2.0 CONSULTATIONS AND REPRESENTATIONS**

2.1 Ashingdon Parish Council: No comments received.

2.2 Essex County Council Highways: No objections subject to conditions relating each dwelling having 2no. off-street parking spaces, cycle parking provision, reception and storage of building materials and standard informatives.

2.3 Neighbour representations:

One letter has been received from the following address:

Canewdon Road: Eclipse Baits Glazebrook Farm.

and which in the main makes the following comments and objections:

- Objects as the site id Green Belt.
- Would severely impact our business and employees and other major companies reliant on our products.
- Have been here since June 2016.
- Proposal would impact financially other people who own and work at this site also.

### **3.0 CONSULTATION DIRECTION**

- 3.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires that the Council consult the Secretary of State on certain planning applications where the local planning authority does not propose to refuse the application.
- 3.2 The proposal has been reviewed against the criteria for referral to the Secretary of State and it is confirmed that the Council would not be required to consult the Secretary of State prior to issuing a grant of planning permission in respect of this application.



Phil Drane BA (Hons) MRTPI  
Director of Place

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### **RELEVANT DEVELOPMENT PLAN POLICIES AND PROPOSALS**

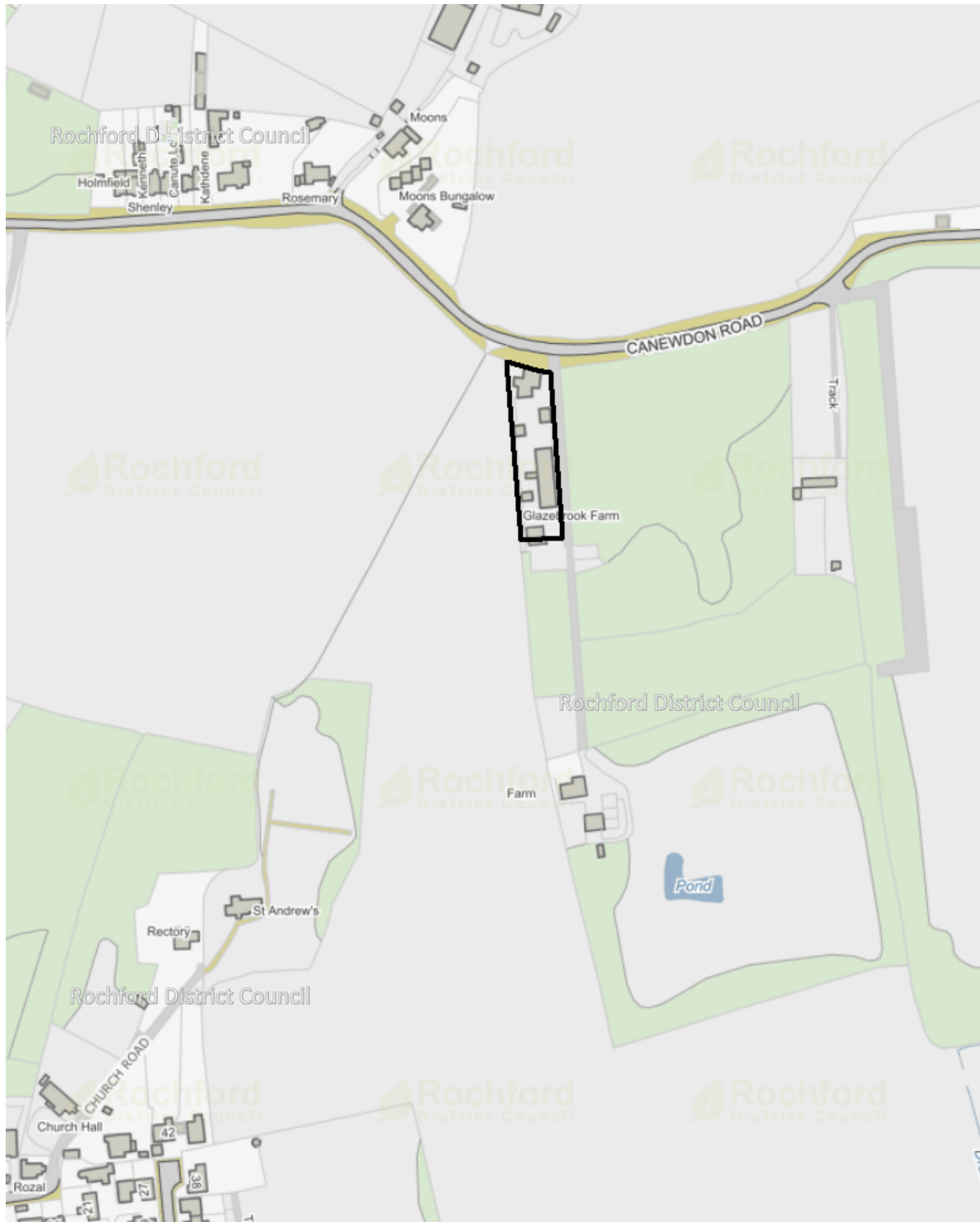
**BACKGROUND PAPERS**

None.

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date

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