

**19/01065/FUL**

**LAND ADJACENT TO 14 HAMBRO CLOSE, RAYLEIGH**

**PROPOSED ONE TWO STOREY BUILDING CONTAINING  
TWO SELF CONTAINED APARTMENTS**

**APPLICANT: ROCHFORD DISTRICT COUNCIL**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: TRINITY**

## **1 RECOMMENDATION**

1.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions:-

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

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 200 rev P3, 202 rev P1 and 201 rev P4

REASON: To ensure that the development is carried out in accordance with the details as approved.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the Design and Access Statement, unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of the character and appearance of the area in accordance with policy DM1 and DM3 of the Development Management Plan and the NPPF.

4. Prior to the occupation of the development hereby approved the parking area shall be constructed, surfaced, laid out and made

available for such purposes in accordance with the approved plans and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with policies DM30 of the Development Management Plan.

5. The provision of five car parking spaces, each with minimum dimensions of 2.9m x 5.5m in accordance with current parking standards.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM30 of the Development Management Plan.

6. Prior to the occupation the vehicular access at the site frontage shall be widened as shown on planning drawing no. 201 rev P4 and constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM30 of the Development Management Plan.

7. No unbound material shall be used in the surface treatment of the vehicular access and car parking areas.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM30 of the Development Management Plan.

8. There shall be no discharge of surface water from the development onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM30 of the Development Management Plan.

9. 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 including at least one tree (to compensate for the loss of trees arising from the development);
- 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 artefacts 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.

10. Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.

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.

11. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate that the half drain times are less than 24 hours for all storage features following a 1 in 100 year plus 40% climate change storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- Provide pipe invert levels in order to show the viability of the flow of water within the pipe network.
- Information on floor levels to confirm how exceedance flows will be routed and managed on site.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DM28 of the Development Management Plan.

## **2 PLANNING APPLICATION DETAILS**

- 2.1 This application is to be considered by the Development Committee as the applicant is Rochford District Council.
- 2.2 Planning permission is being sought to erect a two-storey building to comprise two, two-bedroom self-contained flats and lay out car parking spaces and private amenity space and cycle store.

## **3 DESCRIPTION OF THE SITE**

- 3.1 The site is located within the settlement of Rayleigh. Hambro Close is residential in character and is a cul-de-sac situated off Hambro Hill. The application site is a vacant open plot of land located on the northern side of Hambro Close in a prominent position at the end of a vista.
- 3.2 The site is broadly rectangular in form with a width of 10.7m, an average depth of 24.1m and an area of 254m<sup>2</sup>. The topography of the site raises towards the north and is presently laid to grass.
- 3.3 The site sits between two storey residential dwellings. To the east is a two storey semi-detached dwelling (No.14 Hambro Close) and to the west is an

end of terrace dwelling (No. 12 Hambro Close). The layout of the dwellings along this part of Hambro Close front onto an open field to the north and their backs turn onto Hambro Close with private amenity space and car parking laid out to the rear. The topography of Hambro Close rises from east to west.

- 3.4 The built fabric and layout of Hambro Close somewhat references a Radburn style and layout whereby blocks of dwellings have been arranged in a cul-de-sac cluster. Open areas of green spaces are present within the street scene and separation of vehicular and pedestrian traffic to promote safety has been applied.
- 3.5 To the rear of the site are semi-detached dwellings fronting Hambro Hill.

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 Application No. 03/01117/FUL - Erection of Two Storey Building to Accommodate 4 x 1 Bedroom Flats – REFUSED

Background to the Application

Application 03/01117/FUL was refused at a planning committee held on 6 February 2004.

This application was refused on the basis that there would be a loss of informal open space harmful to the character and amenity of the area and insufficient provision for amenity spaces detrimental to the amenities enjoyed by prospective occupants.

- 4.2 Application No. 19/00493/FUL - Proposed one two storey building containing two self-contained apartments – REFUSED

Background to the Application

Application 19/00493/FUL was refused at a planning committee held on 29 August 2019.

This application was refused on the basis that the development did not provide a sufficient amount of visitor parking spaces and therefore, the development did not comply with the adopted Parking Standards.

#### **5 MATERIAL PLANNING CONSIDERATIONS**

##### **Principle of Development**

- 5.1 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. 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).

- 5.2 The site is without formal allocation on the proposals map accompanying the Allocations Plan (2014). The re-development of this site for a proposed residential redevelopment is considered acceptable in principle. The site is not subject to any other planning policy designations.
- 5.3 The National Planning Policy Framework (NPPF) encourages the effective use of land to provide much needed housing and in principle housing is appropriate at this site. However, additional housing should not be to the detriment of the character and appearance of the locality. 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. The design, form and layout of buildings and the spaces between them is of great importance. Paragraph 127 of Section 12 of the NPPF sets out criteria for new developments which should;
- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - Establish or maintain a strong sense of place, using the arrangement of streets, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and;
  - 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 and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.4 Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning. Proposals should contribute positively to making places better for people.
- 5.5 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 of poor design that fails to take

opportunities available for improving the character and quality of an area and the way it functions.

- 5.6 At a local level, Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, although limited infill will be considered acceptable if it relates well to the street pattern, density and character of the locality.
- 5.7 Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan requires that proposals for residential intensification demonstrate that key criteria have been carefully considered and positively addressed. Supplementary Planning Document 2 (SPD2) for housing design states criteria that new housing development should meet including for flatted schemes.
- 5.8 A previous planning application was refused on the basis that the scheme lacked visitor car parking. It is acknowledged that Hambro Close is a cul-de-sac but has a linear layout. In comparison to the previous scheme, the building proposed would still follow the existing building line along Hambro Close. The building would be situated in the same position as previously proposed, and would be of the same appearance, scale, bulk and mass. It is acknowledged that at first floor this scheme introduces a cantilever projection to the elevation fronting Hambro Close. As a result, the 45<sup>0</sup> guidance has been re-assessed in line with this alteration and it is still considered that the proposed development would not contravene this guidance. A proposed balcony would be introduced on the façade overlooking the open fields to the north. It is not considered that the proposed development would introduce an adverse impact upon the occupiers of neighbouring properties by way of causing excessive overshadowing, as a result of being overbearing or cause overlooking and loss of privacy. There are no significant alterations that have been made to the appearance, scale, bulk and mass of the building proposed to warrant a full re-assessment of the scheme in terms of its impact upon the character and appearance of the area and neighbour impact as the previous application was not refused on these grounds and the scheme is comparable to that what was previously proposed.
- 5.9 The proposed development would still comply with the Nationally Described Space Standards.
- 5.10 The area allocated for refuse is still considered to be of an acceptable size capable of accommodating at least two bulk bins compliant with appendix 1 of the Development Management Plan.

- 5.11 Officer's views remain the same when considering the removal of the existing sycamore tree and its position on ecology as previously addressed.
- 5.12 As the previous planning application was refused on the basis that the earlier scheme lacked visitor car parking only, the key consideration in this instance would relate only to visitor car parking and any other subsequent alterations to the layout of the site as a result of the revision made to the on-site car parking arrangement. These issues are explored in further detail below.

### **Impact Upon Car Parking and Highway Safety**

- 5.13 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. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards for residential development.
- 5.14 In accordance with the NPPF, 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.
- 5.15 The development proposes two, two-bedroom self-contained flats. The parking standards require two spaces per two-bedroom dwelling plus 0.25 visitor space per dwelling. The scale of the development proposed would require four car parking spaces plus a visitor car parking space. The layout proposed indicates two tandem car parking spaces per flat plus one space for visitor car parking. The car parking spaces proposed comply with the adopted Parking Standards. In addition, one cycle space is required per dwelling. A cycle store has been incorporated into the rear garden that could accommodate at least two cycle spaces which is considered adequate for the scale of development proposed.
- 5.16 The level of car parking proposed is considered acceptable and would not have a detrimental impact upon highway safety and the free flow of traffic would not be materially harmed. It would therefore comply with policy DM30 of the Development Management Plan, the adopted Parking Standards and the NPPF.

### **Amenity Space for Future Occupiers**

- 5.17 The revised car parking arrangement would lead to the layout of the amenity space proposed per flat being altered.
- 5.18 The NPPF seeks that the creation of places are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users. 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 of for each type of dwelling house. For flats, a minimum balcony area of 5m<sup>2</sup> with the ground floor dwelling having a minimum patio garden of 50 m<sup>2</sup>; or the provision of a useable communal resident's garden on the basis of a minimum area of 25 m<sup>2</sup> per flat.

- 5.37 The development as shown on the drawing no. 200 rev P3 would provide a garden area in excess of 50m<sup>2</sup> for the ground floor flat and a balcony which would serve the first floor flat measuring 9m<sup>2</sup>. The private amenity area is in excess of the requirements stipulated above. Therefore, the development would provide adequate amenity space in accordance with DM3 and the Housing Design SPD.

### **Other Matters**

#### **Flooding**

- 5.38 Paragraph 155 of the NPPF seeks to direct development to the lower risk flood zones. This stance is reiterated in policy ENV3 of the Core Strategy which provides local flood risk considerations.
- 5.39 The site is located within the lowest risk flood zone, flood zone 1 as identified on the Environment Agency flood maps. This means that the site is subject to a low probability of fluvial flooding.
- 5.40 The proposal involves the redevelopment of a vacant plot of land to be used for a residential purpose. According to the National Planning Practice Guidance (PPG) flood table 2 - Flood Risk Vulnerability Classification, a residential use falls within the 'more vulnerable' category. Despite the fact that residential development is classified as a 'more vulnerable' form of development, in accordance with the PPG flood table 3 - Flood Risk Vulnerability and Flood Zone Compatibility, residential development is classified as an 'appropriate' form of development and would be compatible in this location.
- 5.41 Clear guidance is provided in the PPG that a Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development (i.e. residential extensions) or change of use. Nor should it normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change). The evidence-based document, which supports Rochford's Development Plan, titled Thames Gateway South Essex Strategic Flood Risk Assessment (2010) does not indicate flooding issues within the Rayleigh Area.

- 5.42 There is a requirement to apply the Sequential Test to new development located within a flood plain, in order to steer development to areas with a lower risk of flooding. The site is located within a lower risk of flooding and therefore, it is not necessary to carry out a Sequential Test but as concerns have been raised in response to the public notification of the application regarding flooding and surface water flooding, the Sequential Test has been applied (paragraph 5.40). Table 3 classifies the proposed type of development as appropriate for Flood Zone 1 without having to address the Exception Test. It is not considered that the proposed development would cause a risk of flooding and therefore complies with the NPPF and policy ENV3 of the Core Strategy.

#### Surface Water

- 5.43 Concerns have been raised in response to the public notification of the application regarding surface water flooding at the site. It is considered that appropriate drainage possibly including a soakaway at the site and permeable paving for driveways and the access could be developed to adequately deal with surface water and that planning conditions could be imposed to ensure that suitable drainage is installed such that the development would not result in an increased risk of surface water flooding to the site or neighbouring land.

#### *Ecology regarding development within the zone of influence (Zoi) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)*

- 5.44 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. The European designated sites within Rochford District Council are as follows: Essex Estuaries Special Area of Conservation (SAC), Foulness and Crouch and Roach Estuaries SPAs and Ramsar Site.
- 5.45 Natural England anticipated that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMO's, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.46 Prior to the RAMS being adopted, Natural England advised that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided an HRA record template for use where recreational disturbance is the only HRA issue.

- 5.47 The application site 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 the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.48 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European Sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a Habitat Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.49 To accord with Natural England's requirements, an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation 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, as follows:

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 2 dwellings

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

### Summary of Appropriate Assessment

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 relevant financial contribution of £122.30 per residential unit has already been paid to the Local Planning Authority.

## 6 CONSULTATIONS AND REPRESENTATIONS

### RDC Arboriculture and Conservation

- 6.1 A suitable replacement tree will be required. I would suggest a tree of upright form, low water demand and one that does not produce a fleshy fruit or honeydew deposits, possible species would be field maple elsrijk, hornbeam frans fontaine or silver birch. The tree should be a heavy standard, approx. 3.5m in height with a stem girth of 18cm, container grown in 85-100 litre pot. The tree should be planted to the front of the development within the proposed grassed amenity space.

### RDC Waste and Streetscene

- 6.2 Cost of bins currently @ £171.90 per household and refer to waste and recycling guidance on page 90 of the attached.

### Natural England

- 6.3 It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.4 In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large scale strategic project which involves a number of Essex authorities, including Rochford District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

- 6.5 We therefore advise that you consider, in line with our recent advice, whether this proposal falls within the scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

### **Neighbours**

- 6.6 Ten letters have been received from the following addresses;

Hambro Close: 3, 4, 5, 7, 14, 16, 18, 22, 23.

Hambro Hill: 30.

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

- Loss of a healthy mature tree
- Over-development of the site
- Loss of light
- Loss of open green space
- The flats would be out of character
- Drainage inadequate to cope with more dwellings
- Lack of parking in the close
- Confusion of ownership
- Lack of area to store waste disposal bins for existing residence which is a threat to public health
- Increase in localised surface water flooding
- Noise pollution
- The development would create a badly lit alleyway
- Loss of a streetlamp
- Natural England states any housing development will have significant impact on the environment and an HRA must be completed prior to deciding on the planning application

## **7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010

## **8 CONCLUSION**

- 8.1 Policies H1, DM1, CP1 and DM3 require that new developments promote good, high quality design and the character of the locality to ensure that development positively contributes to the surrounding natural and built

environment and residential amenity. The NPPF also has a clear requirement that development achieve good design which is a key element of sustainable development. proposal is considered to achieve compliance with the relevant policy requirements and represents appropriate infill development.



Marcus Hotten

Assistant Director, Place and Environment

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### **Relevant Development Plan Policies and Proposals**

National Planning Policy Framework 2019

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, H1, H5, H6, ENV3, ENV9, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM2, DM3, DM4, DM25, DM27, DM28, DM30

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

Parking Standards Design and Good Practice (2010)

### **Background Papers**

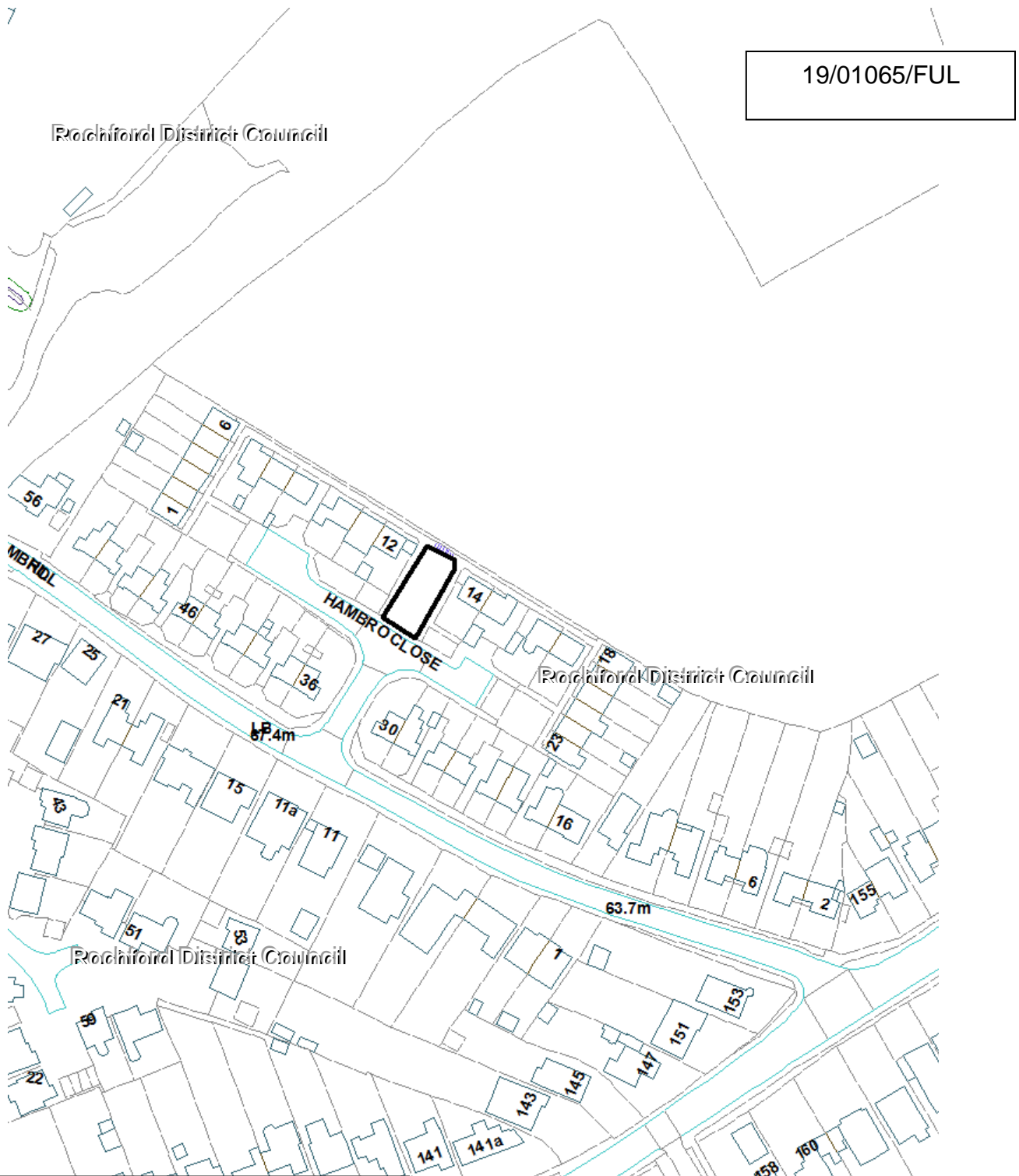
None

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