

1 REFERRAL OF DECISION TO COUNCIL

Development Management Plan Examination – Proposed Schedule of Modifications to Development Management Submission Document

- 1.1 Pursuant to Overview and Scrutiny Procedure Rule 15(b) a requisition has been received in the names of Cllrs C I Black, T E Mountain and R A Oatham requiring that the Portfolio Holder Decision on approval of the Proposed Schedule of Modifications to Development Management Submission Document (April 2013).

- 1.2 A copy of the decision and associated report is set out in Appendix A.

- 1.3 The reason given for referral is to allow the Full Council to discuss, amongst other items:-

Ref MM4 “The density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated”

Ref MM9 “New dwellings (both market and affordable housing) must adhere to the minimum habitable floorspace standards set out in Table 3, unless it can be clearly demonstrated to be unviable or undeliverable.”

Ref MM56 – “Regarding non-retail uses in primary shopping frontages.”

EXECUTIVE DECISION BY PORTFOLIO HOLDER FOR PLANNING

**SUBJECT: DEVELOPMENT MANAGEMENT PLAN EXAMINATION -
PROPOSED SCHEDULE OF MODIFICATIONS TO DEVELOPMENT
MANAGEMENT SUBMISSION DOCUMENT**

1. DECISION MADE

- 1.1 That the proposed Schedule of Modifications to the Development Management Submission Document (April 2013) be approved for consultation (31 July to 25 September) as part of the examination process, and that following this consultation, the representations received be sent to the Planning Inspector to be considered when preparing his final report into the soundness of the Plan.


2. NAME OF PORTFOLIO HOLDER

- 2.1 Cllr K J Gordon.

3. DECLARATIONS OF INTEREST

- 3.1 None.

Portfolio Holder Signature:



Date of Decision:

16/7/2014

* * * * *

REPORT TO PORTFOLIO HOLDER FOR PLANNING

REPORT FROM HEAD OF PLANNING & TRANSPORTATION

**SUBJECT: DEVELOPMENT MANAGEMENT PLAN EXAMINATION -
PROPOSED SCHEDULE OF MODIFICATIONS TO DEVELOPMENT
MANAGEMENT SUBMISSION DOCUMENT**

2 DECISION BEING RECOMMENDED

- 2.1 That the proposed Schedule of Modifications to the Development Management Submission Document (April 2013) be approved for consultation (31 July to 25 September) as part of the examination process, and that

following this consultation, the representations received be sent to the Planning Inspector to be considered when preparing his final report into the soundness of the Plan. The modifications are attached to this report as appendix one.

3 REASON/S FOR RECOMMENDATION

- 3.1 The Inspector conducting the examination into the soundness and legal compliance of the draft Plan has recommended a number of modifications to ensure that it is sound and legally compliant (see appendix two).
- 3.2 The proposed Schedule of Modifications has been prepared in response to the interim report and this must be subject to a further period of public consultation. Consultees will be invited to submit representations on the proposed Schedule of Modifications only and all responses received will be sent to the Inspector to consider when preparing his final report.

4 SALIENT INFORMATION

- 4.1 The Development Management Submission Document (April 2013) sets out detailed day-to-day policies for determining planning applications and delivering development in the District. The draft Plan contains proposed policies for managing the size of dwellings, light pollution, and development in the Green Belt and Conservation Areas for example. The draft Plan was submitted to the Secretary of State for examination by an independent Planning Inspector on 13 December 2013 following pre-submission consultation.
- 4.2 Prior to the hearing session into the soundness and legal compliance of the draft Plan, the Council produced and updated a proposed Schedule of Modifications. This was in response to a number of matters and questions raised by the Inspector, where further clarification was required or suggested amendments were proposed. The intention of keeping an updated Schedule was that, once finalised, it would be consulted on before the Inspector's final report is issued.
- 4.3 The Inspector set out a number of matters and issues that were considered to necessitate further discussion in the hearing session which was held on 26 March 2013. As a result of the discussions that took place, several amendments to the Plan were proposed by the Inspector. It was agreed at the final hearing session that these modifications would be integrated into the Schedule, and then submitted to the Inspector who would prepare an initial assessment of the Plan, and recommend any further modifications to the Schedule prior to consultation.
- 4.4 The Inspector's initial assessment into the soundness of the draft Plan was received by the Council on 22 April 2014 and published on the Council's website. A number of observations were made relating to 11 of the draft

policies; and recommendations to make the Plan sound and/or legally compliant were suggested by the Inspector. These recommendations have been integrated into the Schedule of Modifications.

- 4.5 The Schedule of Modifications can be divided into main and additional modifications. Main modifications are defined as those that are required to satisfy legal or procedural requirements or to make the plan sound, and additional modifications are those that do not materially affect the policies. The Council is only required to consult on the main modifications agreed by the Inspector, which would make the Plan sound and/or legally compliant.
- 4.6 Proposed main modifications in the Schedule include, but are not limited to:-
- Providing clarification on the minimum dwelling density per hectare for developments (Policy DM2);
 - Clarifying the circumstances when the demolition of buildings in Conservation Areas may be acceptable (Policy DM8);
 - Including additional criteria for the conversion of existing agricultural buildings to bed and breakfasts/small-scale hotels/holiday lets (Policy DM14); and
 - Providing clarification on criteria for the determination of applications to extend domestic gardens onto land in the Green Belt (Policy DM22).
- 4.7 If accepted, it is proposed that the Schedule of Modifications will be consulted on for approximately eight-weeks (longer than the usual six-week period in order to take account of the summer break and ensure there is sufficient time for interested parties to respond). Those who commented at the pre-submission stage, as well as general and specific consultation bodies, will be invited to comment on the Schedule. This is a formal consultation stage, which forms part of the examination process.
- 4.8 Following completion of the consultation, the results will be submitted to the Inspector who will consider them before preparing his final report on the soundness of the Plan. The Inspector's final report is expected to be received in October/November 2014, although the timing of the receipt of the report is outside of the Council's control.
- 4.9 The Schedule of Modifications has been subject to Sustainability Appraisal, which considers the impact of the proposed modifications on social, environmental and economic objectives. The Sustainability Appraisal found that the changes had a limited impact on a number of the sustainability objectives, although where modifications did have an impact, overall it was positive.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The alternative option – to not produce and consult on the Schedule of Modifications – and the associated risks are set out below.

6 RISK IMPLICATIONS

- 6.1 The main modifications proposed in the Schedule have been recommended by the Inspector to ensure that the Plan is sound and legally compliant. If the modifications are not agreed and consulted upon, this would likely lead to the Plan being found unsound by the Inspector, and the Council would not be able to adopt it as part of the Development Plan for the District.
- 6.2 Failure to have a Development Management Plan in place would mean that officers would continue to rely on the extant policies in the 2006 Replacement Local Plan, which currently form part of the Development Plan alongside the Core Strategy, Allocations Plan and Hockley Area Action Plan. Emerging policy thrusts, including managing applications for the development of previously developed land in the Green Belt, establishing minimum floorspace standards, supporting green tourism initiatives and protecting trees and woodlands, would therefore not be implemented.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 The Schedule of Modifications will have an impact on the District's environment, as outlined above. The Schedule of Modifications has been subject to Sustainability Appraisal which, in addition to social and economic impacts, considers the impact of the proposed modifications on environmental objectives, as discussed above (see Appendix 3).

8 RESOURCE IMPLICATIONS

- 8.1 Preparation, consultation and printing of the consultation material will all have resource implications, but these can be met through existing budgets.

9 LEGAL IMPLICATIONS

- 9.1 The main modifications proposed in the Schedule have been recommended by the Inspector to ensure that the Plan is sound and legally compliant. If the modifications are not accepted and consulted upon, this would likely lead to the Plan being found unsound by the Inspector.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.



SMT Lead Officer Signature: _____

Date: 08.07.2014 _____

Background Papers:

None.

For further information please contact Samuel Hollingworth (Planning Policy Team Leader) or Natalie Hayward (Senior Planner) on:-

Phone: 01702 318165

01702 318101

Email: samuel.hollingworth@rochford.gov.uk

natalie.hayward@rochford.gov.uk

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Proposed Schedule of Modifications to the Development Management Submission Document (April 2013)

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in *italics*.

The below proposed minor amendments relate to changes to the Development Management Submission Document (April 2013).

The page numbers and paragraph numbering below refer to the Development Management Submission Document (April 2013), and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modifications
MM1	16	Footnote 1	<p><i>Amend footnote as follows:</i></p> <p><u>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or more.</u></p> <p>The Council considers major development as defined within the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006</p>
MM2	18	Policy DM1	<p><i>Amend text and insert new criterion below point 1 as follows:</i></p> <p>The design of new developments should <u>promote</u> reflect the character of the locality to ensure a positive contribution <u>that the development positively contributes</u> to the surrounding natural and built environment and residential amenity, <u>without discouraging originality, innovation and initiative.</u></p> <p>The design and layout of proposed developments should <u>must demonstrate that take into account</u> the following <u>have been carefully considered and addressed within the proposal:</u></p> <p>(i) (i) Accessibility, particularly <u>promoting</u> alternatives to the private car;</p> <p>(ii) <u>Integration of existing and proposed public rights of way;</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>(iii) (ii) <u>Adequate</u> bBoundary treatment and landscaping within the development;</p> <p>(iv) (iii) Retention of trees, woodland and other important landscape features <u>in accordance with Policies DM25 and DM26</u>;</p> <p>(v) (iv) <u>Sufficient</u> cCar parking <u>in accordance with Policy DM30</u>;</p> <p>(vi) (v) <u>Suitable</u> dDensity <u>for the locality in line with Policy DM2</u>;</p> <p>(vii) (vi) Local open space requirements including the provision of greenspace, play space, private and communal gardens, allotments and other types of open space, as appropriate, based on the most up-to-date Open Space Study;</p> <p>(viii) (vii) Impact on the natural environment including sites of nature conservation importance, and on the historic environment including Conservation Areas and Listed Buildings, archaeological sites and the wider historic landscape;</p> <p>(ix) (viii) <u>Avoiding</u> oOverlooking, <u>ensuring</u> privacy and <u>promoting</u> visual amenity;</p> <p>(x) (ix) <u>A positive</u> rRelationship to <u>with</u> existing and nearby buildings <u>in accordance with Policy DM3</u>;</p> <p>(xi) (x) <u>A</u> Sscale and form <u>appropriate to the locality in line with Policy DM3</u>;</p> <p>(xii) (xi) <u>Compliance with</u> tTextual Concept Statements; and</p> <p>(xiii) (xii) Village Design Statements and Parish Plans, where applicable.</p> <p>Design briefs for major developments must show that they consider and reflect the identity of the surrounding area, and must allow for the effective running of the Council's waste management and recycling scheme.</p> <p>Proposals should have regard to the detailed advice and guidance on the design and layout of new developments as set out in Supplementary Planning Document 2 – Housing Design, as well as to guidance in the Essex Design Guide for Residential and Mixed Use Areas, and the most up-to-date Open Space Study for open space provision</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM3	19	2.16	<p><i>Amend paragraph as follows:</i></p> <p>The NPPF provides guidance on the provision of high quality, sustainable housing, with a mix of housing tenures which reflects local needs, ensuring the effective use of existing housing stock, and providing enough homes in appropriate locations through the efficient and effective use of land. It gives the Local Planning Authority flexibility in setting appropriate densities to specific localities. However, it is still imperative that land contributing towards the District's housing land supply is appropriately and efficiently utilised. <u>The previously established national indicative minimum density of 30 dwellings per hectare is considered to strike a balance between ensuring the efficient use of land and respecting the character of localities.</u> As such promoting a minimum density threshold of 30 dwellings per hectare is considered to be appropriate.</p>
MM4	20	Policy DM2	<p><i>Amend policy as follows:</i></p> <p>Proposals for residential development must make efficient use of the site area in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. <u>The density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated.</u></p> <p>The precise density for any individual site, however, will be determined by its immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings to meet the community's needs.</p>
MM5	21	2.24	<p><i>Amend paragraph as follows:</i></p> <p><u>There is concern that the replacement of dwelling(s) with an alternative dwelling type could have a detrimental impact on the individual character of the District's settlements.</u> Whilst providing a mix of dwelling types within new developments is supported in the Core Strategy (Policy H5), we the Council will seek to resist the loss of existing dwelling types, which can impact on the character of the streetscene in the District's existing settlements. <u>Therefore As an example, where the street scene is relatively</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>homogenous in terms of house types and design the replacement of dwellings should usually be on a like for like basis <u>to protect the local character</u>, as appropriate. However, if it can be demonstrated that an alternative dwelling type would be more appropriate and ensure better utilisation of a site, without creating undue residential intensification and ‘town cramming’ e.g. the replacement of one bungalow on a wide plot of land with a pair of semi-detached houses, then this may be considered acceptable <u>on a case-by-case basis</u>. We will determine whether the loss of an existing dwelling type is appropriate and applicants should consult the Council for advice and guidance. The demolition of individual dwellings to be replaced by multiple dwellings e.g. the replacement of a bungalow with flats, is not generally supported. Resisting the intensification of smaller sites within residential areas will protect the character of existing settlements. However, limited infilling is considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. An appropriate level of residential intensification within town centre areas, where higher density schemes (75+ dwellings per hectare) may be appropriate will be encouraged.</p>
MM6	22	Policy DM3	<p><i>Amend policy as follows:</i></p> <p>Proposals for infilling, residential intensification or ‘backland’ development should <u>must</u> consider <u>demonstrate that the following have been carefully considered and positively addressed:</u></p> <ul style="list-style-type: none"> (i) the design of the proposed development in relation to the existing street pattern and density of the locality; (ii) whether the number and type of dwellings being proposed are appropriate to the locality <u>having regard to existing character</u>; (iii) the contribution to housing need, taking into account the advice and guidance from the Council, based on the most up-to-date evidence available; (iv) an assessment of the proposal’s impact on residential amenity; (v) avoiding a detrimental impact on landscape character or the historic environment;

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>(vi) <u>avoiding</u> the loss of important open space which provides a community benefit and/or visual focus in the streetscene;</p> <p>(vii) <u>avoiding</u> the loss of private amenity space for neighbouring dwellings <u>to ensure adequate provision as set out in Supplementary Planning Document 2: Housing Design</u>;</p> <p>(viii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;</p> <p>(ix) the availability of sufficient access to the site and adequate parking provision; and</p> <p>(x) <u>avoiding a tandem relationship between dwellings, unless it can be satisfactorily demonstrated that overlooking, privacy and amenity issues can be overcome as set out in Supplementary Planning Document 2: Housing Design.</u></p>
MM7	24	2.32	<p><i>Amend paragraph as follows:</i></p> <p>Both market and affordable housing should aspire to meet minimum approved standards for internal floor area for habitable rooms. Each dwelling should comply with the minimum acceptable floorspace standards as defined below in Table 3, <u>unless it can be clearly demonstrated that compliance with the standards would be unviable or undeliverable.</u></p>
MM8	24	2.33	<p><i>Amend paragraph as follows:</i></p> <p>In addition to the minimum floorspace standards above, it is also important to take into account the functionality of the space within dwellings in that they are well planned and useable, particularly for habitable rooms. All habitable rooms should have a minimum floor to ceiling height of 2.5 metres⁶ (8.2 feet) and be of an appropriate width to accommodate their proposed uses/function. All non-habitable rooms <u>over 3 square metres</u> should be of an adequate size, height and shape, with sufficient natural lighting, and be ventilated directly by external air via a window. These standards will apply to all dwelling types, and both market and affordable housing.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM9	25	Policy DM4	<p><i>Amend policy as follows:</i></p> <p>New dwellings (both market and affordable housing) must adhere to the minimum habitable floorspace standards set out in Table 3, <u>unless it can be clearly demonstrated to be unviable or undeliverable</u>. They should have a good internal layout with reasonably sized habitable and non-habitable rooms that are well-designed, planned and useable, applying the principles of the Lifetime Homes Standard criteria, and are suitable for modern living.</p>
MM10	25	2.38	<p><i>Amend paragraph as follows:</i></p> <p>The District has three distinguishable areas which have varying sensitivity in terms of landscape character, impact on the Green Belt, nature conservation importance, and visual amenity. It is therefore considered appropriate to set out different lighting thresholds for external artificial lighting for these different areas. These different areas are referred to as environmental zones. Three distinguishable environmental zones have been identified below, based on those defined by the Institute <u>Institution</u> of Lighting Engineers Professionals⁹ (with the exception of Environmental Zone 4 which encompasses town/city centres with high levels of night-time activity, and is therefore not considered to be applicable to the District) taking into account the characteristics of the District. <u>However, there are a few exceptions. Table 4 does not include Environmental Zone 0 (protected areas such as IDA dark sky parks) and Environmental Zone 4 (town/city centres with high levels of night-time activity) which are not considered to be applicable to the District. Environmental Zone 1 also does not include areas of nature conservation importance as it is not considered desirable to permit lighting within such areas.</u></p>
MM11	27	2.45	<p><i>Remove paragraph:</i></p> <p>An appropriately detailed lighting scheme should accompany all full planning applications; however, the submission of a detailed lighting scheme may not always be necessary. When submitting an outline planning application, it is considered that an appropriately detailed lighting strategy should accompany the application, where appropriate. The level of detail required should be determined in consultation with the Council's Development Management team. It may therefore be necessary to submit a more detailed</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			lighting scheme at a later date. However, depending on the level of detail provided within the lighting strategy, a scheme may not be considered necessary.
MM12	28	2.46	<p><i>Amend paragraph as follows:</i></p> <p>Floodlighting of sports and other leisure and recreational facilities also requires careful consideration as it can be a nuisance to adjacent land users, have a detrimental impact on the countryside and can cause unnecessary glow in the night sky. Any proposal for floodlighting must demonstrate how essential it is for the associated land use and must be of a design to minimise the impact on the environment and its surroundings. Details to be submitted must be adequate to enable the assessment of the effect of the lighting and the appearance of the fittings. <u>Sport England’s guidance ‘Artificial Sports Lighting’, or the most up-to-date available, should be referred to.</u></p>
MM13	28	Policy DM5	<p><i>Amend the policy as follows:</i></p> <p>Applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds as set out in Table 4.</p> <p>Applicants making an outline planning application must submit an appropriately detailed lighting strategy which is proportional to the application. This should be determined in consultation with the Council’s Development Management team. A more detailed lighting scheme should be submitted at the Reserved Matters stage when making a full planning application, as appropriate.</p> <p><u>Proposed schemes must be appropriately designed and installed to minimise the impact of light pollution demonstrate that they will not have an adverse impact in terms of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky through avoiding unnecessary light spillage and trespass.</u> Where an adverse impact is identified, conditions may be attached to a grant of planning permission or a S106 agreement may be sought to mitigate such impacts.</p> <p>Applications for sports and other leisure and recreational facilities development involving external</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>floodlighting will be permitted provided that the following can be demonstrated:</p> <ul style="list-style-type: none"> (i) the lighting is designed to be as directional as possible using the minimum number of lights required with the aim of reducing light pollution; (ii) a curfew time of <u>no later than</u> 10.00pm; and (iii) consideration is given to the effect of the light upon local residents, vehicle users, pedestrians, local wildlife and the night sky.
MM14	29-30	Policy DM6	<p><i>Amend the policy as follows:</i></p> <p>Where planning permission is required, proposals for the development of telecommunications networks, including the proposed equipment and associated structures <u>should be avoided in sensitive locations (such as an area of nature conservation importance or the historic environment)</u>. <u>Proposals for telecommunications development</u> will be considered acceptable provided that:</p> <ul style="list-style-type: none"> (i) if located on an existing building, mast or other structure, telecommunications equipment is sited and designed to ensure that there is minimal impact to the external appearance of the structure; (ii) in exceptional circumstances, if sited in a sensitive location (such as an area of nature conservation importance or the historic environment), it has been clearly demonstrated that there are no suitable alternative sites for the development of telecommunications systems available in the locality, the development is essential, it is to the benefit of the local community, and it would not have a negative impact on <u>the sensitive areas or</u> local landscape character. Such evidence should accompany any application made; <u>and</u> (iii) evidence is provided along with applications which propose the siting of a new mast, to demonstrate that the possibility of erecting telecommunications equipment on existing buildings, masts or other structures has been fully explored. Where it can be proved <u>shown</u> that this is not possible, telecommunications development requiring an application for prior approval of siting and appearance will only be considered acceptable where the equipment is of a design, height, material and colour,

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>and where appropriate is screened, so as to minimise visual intrusion. Proposals <u>Applicants</u> should also consider the impact on:</p> <ul style="list-style-type: none"> (a) <u>the potential impact of the proposal on</u> the topography and natural vegetation; (b) the proximity to areas of nature conservation interest or other sensitive areas <u>and whether the proposal would have a negative impact; and</u> (c) its the proposals relationship with other existing masts, structures or buildings, as mast-sharing would be expected, where possible; and (d) (c) its <u>the proposal's</u> relationship to residential property, educational and healthcare facilities, employment and recreational sites; and <p>(iv) if proposing development in a sensitive location, it should be clearly demonstrated there would not be a negative impact on these areas. Such evidence should accompany any application made.</p> <p>When considering applications for telecommunications development, we <u>the Council</u> will take into consideration the operational requirements of telecommunications networks and the technical limitations of the technology. Additionally, arrangements will be put in place to ensure that, if such development falls into disuse, any structures are removed and the land restored to its condition before development took place or other agreed beneficial use.</p>
MM15	30	2.54	<p><i>Amend paragraph as follows:</i></p> <p>The new Local List, which is being reintroduced through the Core Strategy, identifies individual buildings, groups of buildings or items of street furniture which are of local historic, architectural or visual importance, are locally distinctive or are considered to be character enhancing. <u>The buildings on the Local List are non-designated heritage assets.</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM16	31	Policy DM7	<p><i>Amend third paragraph of the policy as follows:</i></p> <p><u>Owners Applicants should consider the demonstrate that the</u> retention, restoration and/or replacement of the following have been carefully considered and addressed:</p> <ul style="list-style-type: none"> (i) Important architectural and character features such as weatherboarding, modillions, bargeboards, existing roof material, cornerstones and ridge tiles, although this is not an exhaustive list; and (ii) Original windows for example sash windows should be retained and replaced with similar windows. The use of plastic PVC windows should be avoided.
MM17	31	2.59	<p><i>Insert new paragraph below paragraph 2.59:</i></p> <p>National policy places great weight on the conservation of heritage assets; the more important the asset, the greater the weight that should be given to its retention. Any harm to or loss of a heritage asset should be avoided, unless it can be clearly justified. Substantial harm to or loss of grade II listed assets should be exceptional, and substantial harm to or loss of designated heritage assets of the highest significance (such as grade I and II* listed assets) should be wholly exceptional.</p>
MM18	32	2.62	<p><i>Amend paragraph as follows:</i></p> <p>Development in areas which are outside, but adjacent to, Conservation Areas can have an impact on the visual amenity, <u>setting</u>, character and value of those areas which are protected and so will seek to ensure that they do not have a negative impact on the Conservation Area. The impact a proposed development <u>(including proposals for new buildings as well as alterations to existing buildings)</u> may have on a Conservation Area will be determined on a site-by-site basis. <u>English Heritage’s guidance on ‘The Setting of Heritage Assets’ should be taken into consideration.</u></p>
MM19	32	Policy DM8	<p><i>Amend the policy as follows:</i></p> <p><u>Consent for the demolition of a building in a Conservation Area will be granted where it can be clearly demonstrated that the benefits of proposed demolition outweigh the harm to the Conservation Area. In the</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>case of nationally or locally listed buildings, appropriate weight will be given to the significance of these heritage assets based on their importance when considering applications for demolition. Any harm to, or loss of, a nationally listed building will only be permitted in exceptional circumstances.</u></p> <p>Consent for the demolition of a building in a Conservation Area will only be granted in cases where all of the following criteria are met:</p> <ul style="list-style-type: none"> (i) the building to be demolished is not locally or nationally listed of no architectural or historical interest and does not make a positive contribution to the character or appearance of the Conservation Area; (ii) detailed plans for the after-use of the site have been submitted to, and approved by, the Local Planning Authority. (In cases where the after-use of the site includes development requiring planning permission, such permission must have been applied for and granted in order that the terms of this criterion be met). <p><u>Additionally we Detailed plans for the after-use of the site will be required to be in place prior to consent for the demolition of a building within the Conservation Area being granted. The Council will require the signing of a legal agreement between Rochford District Council and the developers before condition any consent for demolition is granted, requiring to require that a contract for the carrying out of redevelopment works has been made and planning permission granted before any demolition takes place. the redevelopment of the site within an agreed timeframe, and no demolition may occur without a contract to redevelop the site.</u></p>
MM20	32	Policy DM9	<p><i>Amend policy as follows:</i></p> <p>Proposals for developments which are outside, but close to the boundary of, Conservation Areas must have regard to their impact on the overall streetscene, <u>and setting of</u> individual buildings or groups of buildings within and on the edge of the Conservation Areas.</p> <p>Proposals for developments which would alter the appearance of a building should carefully consider the</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			impact of the changes proposed on the <u>setting</u> , character and appearance of the adjacent Conservation Area. Account should be taken of all changes proposed including (but not limited to) changing building materials, altering the positioning and design of fenestration and extensions and other alterations.
MM21	35	3.6	<i>Insert following sentence below paragraph 3.6:</i> <u>Proposals that comply with the Policies DM10 to DM23 set out within this section are not, by definition, inappropriate development.</u>
MM22	37	3.12	<i>Amend bullet point 1 as follows:</i> <ul style="list-style-type: none"> land that is or has been occupied by agricultural or forestry buildings (<u>agricultural or forestry buildings does not includes glasshouses/greenhouses or other horticultural buildings</u>);
MM23	40	Policy DM10	<p><i>Amend the policy as follows:</i></p> <p>Policy DM10 – Red<u>Development of Previously Developed Land in the Green Belt</u></p> <p>The Council will favour proposals for the redevelopment of previously developed land in the Green Belt which accord with Policy GB2 of the Core Strategy.</p> <p>Proposals for the development of residential, retail and other uses not promoted by Policy GB2 of the Core Strategy, such as office, commercial, leisure, and community uses, on previously developed land that is located in the Green Belt may be appropriate if it can be demonstrated that it would constitute sustainable development (<u>i.e. all of the below criteria are met</u>).</p> <p>In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:</p> <ul style="list-style-type: none"> (i) is well related to a defined residential settlement; (ii) is well related to local services and facilities;

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>(iii) has good connections to the strategic road network;</p> <p>(iv) would promote sustainable transport modes;</p> <p>(v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vi) is located within the South Essex Coastal Towns landscape character area.</p> <p>Proposed retail development of previously developed land in the Green Belt will be permitted provided that:</p> <p>(i) there are no suitable and available alternative sites in a town centre or edge-of- centre location;</p> <p>(ii) the proposed development would not undermine the function of the District's town centres;</p> <p>(iii) the proposed development is well related to a defined residential settlement;</p> <p>(iv) the proposed development has good connections to the strategic road network;</p> <p>(v) the proposed development would promote alternatives to private transport;</p> <p>(vi) the proposed development would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vii) the proposed development is located within the South Essex Coastal Towns landscape character area.</p> <p>Proposals for other uses not promoted by Policy GB2 of the Core Strategy (such as office, commercial, leisure, and community uses) will be permitted provided that:</p> <p>(i) it can be demonstrated that locating the proposed development on employment land, in a town centre or edge-of-centre location would not be appropriate, viable and/or deliverable;</p> <p>(ii) the proposed development is well related to a defined residential settlement if appropriate having</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>regard to the type of development proposed and potential impact on residential amenity;</p> <p>(iii) the proposed development has good connections to the strategic road network;</p> <p>(iv) the proposed development would promote sustainable transport modes;</p> <p>(v) it would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</p> <p>(vi) the proposed development is located within the South Essex Coastal Towns landscape character area.</p> <p>Development of previously developed land should not undermine the <u>five purposes</u> of including the land within the Green Belt.</p> <p>Any development which is permitted should be of a scale, design and siting such that the <u>openness of the Green Belt and</u> character of the countryside is not harmed, and nature conservation interests are protected.</p>
MM24	42	3.37	<p><i>Amend paragraph as follows:</i></p> <p>Extensions to buildings for lawfully established businesses in the Green Belt, however, may be permitted provided that there are no <u>suitable and</u> available vacant units either on the site or close to the business in question. Where there are suitable units which are available then, in the interests of preserving the openness of the Green Belt whilst supporting lawfully established businesses, an extension will not be permitted. Existing units should be utilised, as far as practicable, before extensions are permitted.</p>
MM25	43	Policy DM11	<p><i>Amend the policy as follows:</i></p> <p>The Council will support existing lawfully established businesses in the Green Belt, allowing extensions to existing business premises, <u>replacement of existing business premises</u>, and changes of use to enable diversification, where appropriate, subject to the following:</p> <p>(i) extensions and/or changes of use relate to an existing business which is lawfully established and would not be detrimental to nature conservation interests, landscape character, the historic</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>environment, the best and most versatile agricultural land or residential amenity;</p> <p>(ii) the availability of <u>suitable</u> vacant units on the site/close to the business in question;</p> <p>(iii) where an extension is proposed it would not result in a disproportionate increase in gross floorspace over that of the original building;</p> <p><u>(iv) where a replacement is proposed it would not be materially larger than the one it replaces;</u></p> <p>(iv) it can be demonstrated that the proposal is necessary for the functioning of the existing business, and the proposed development would not be better situated in a deliverable and available location elsewhere in the District;</p> <p>(v) the development has been designed to minimise impact on the character, appearance and openness of the Green Belt;</p> <p>(vi) the scale, design and materials of the original building is respected;</p> <p>(vii) the development would not undermine town centre regeneration; and</p> <p>(viii) the type or volume of generated traffic, particularly heavy goods vehicles, would be appropriate to the rural highway network, would not have an unacceptable adverse effect on highway safety, the amenity of nearby residential occupiers or important wildlife habitats; and</p> <p><u>(ix) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p style="padding-left: 40px;"><u>(a) not negatively impact on the quality of the listed structure; and</u></p> <p style="padding-left: 40px;"><u>(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM26	43	3.39	<p><i>Amend paragraph as follows:</i></p> <p>Supporting rural diversification is important to ensure the prosperity of the local economy. As identified in the Core Strategy, the Council supports activities which would complement the current functioning of agricultural establishments <u>through rural diversification</u>, which includes the conversion of existing agricultural and rural buildings for small-scale B1 employment use, green tourism, conversion of farm buildings to bed and breakfasts/small-scale hotels and outdoor recreation and leisure activities <u>(Core Strategy Policy GB2)</u>. Retail and residential development, however, are not <u>generally</u> considered acceptable forms of rural diversification in the Green Belt or rural areas outside the Green Belt.</p>
MM27	43	3.40	<p><i>Amend paragraph as follows:</i></p> <p>The use of existing agricultural and rural buildings for bed and breakfast <u>accommodation</u> is acceptable <u>in principle</u> within the Green Belt and wider countryside because this<u>they</u> can make a positive contribution to the local rural economy and support the development of local green tourism initiatives. However, the use of existing agricultural and rural buildings for residential use is not considered appropriate, as such a use does not in itself generate economic activity within the Green Belt or wider countryside and would not make a positive contribution to the rural economy. Proposals would need to demonstrate that they have a sound financial basis, but eEven if a bed and breakfast venture becomes economically unviable, the conversion of such a use for residential purposes is not supported. Residential uses would not positively contribute to the local rural economy and green tourism, and therefore would not be considered appropriate.</p>
MM28	44	DM12	<p><i>Amend policy as follows:</i></p> <p>Rural diversification will be supported so long as it involves an appropriate form of rural activity, as outlined in the Core Strategy, and having regard to the following:</p> <ul style="list-style-type: none"> (i) the need to ensure that the proposed use would not have an undue impact on the openness of the Green Belt, character of the countryside, nature conservation interests, the historic environment, visual amenity or residential amenity; (ii) the need to ensure that the proposed use would not introduce additional activity or traffic

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>movements likely to materially and adversely affect the openness of the Green Belt or character of the countryside, or place unacceptable pressures on the surrounding highway network;</p> <p>(iii) the sensitivity of the landscape character area in which to the proposal is situated to the proposed development proposed;</p> <p>(iv) the impact of the proposal on the agricultural value of the land; and</p> <p>(v) where rural diversification for employment opportunities is proposed, the area should have good links to the highway network particularly taking account of highway safety-; <u>and</u></p> <p>(iv) <u>where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p style="padding-left: 40px;"><u>(a) not negatively impact on the quality of the listed structure; and</u></p> <p style="padding-left: 40px;"><u>(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM29	45	3.45	<p><i>Amend paragraph as follows:</i></p> <p>The Council does not wish to see listed agricultural and rural buildings (either those with Listed Building status or those locally important buildings on the Local List) such as outbuildings, barns and stables, which contribute to the heritage of the District to become neglected through a restrictive approach to their use. These buildings may be capable of serving a useful purpose in the rural environment and can contribute to the functioning of the local economy. As such, rural diversification of listed agricultural and rural buildings will be accepted, however, significant alterations will only be considered if they do not have an adverse impact on the integrity of the existing structure <u>or its significance as a historic building</u>. Supporting evidence from a structural engineer should accompany any application for the conversion of listed agricultural and rural buildings. Whilst appropriate rural diversification opportunities would be supported, the purpose of this policy is not to resurrect derelict agricultural or rural buildings, but to support rural diversification, and its</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			ensuing economic benefits through the use of existing buildings.
MM30	45-46	Policy DM13	<p><i>Amend the policy as follows:</i></p> <p>The reuse or adaptation of existing agricultural and rural buildings will be supported provided that:</p> <p>(i) the application relates to an existing building with a form, bulk and general design in keeping with its surroundings;</p> <p><u>(i)</u> (ii) the application relates to an existing building of permanent and substantial construction;</p> <p><u>(ii)</u> (iii) 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;</p> <p><u>(iii)</u> (iv) 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;</p> <p><u>(iv)</u> (v) <u>due regard is had to residential amenity</u> would not have an undue impact on residential amenity;</p> <p><u>(v)</u> (vi) there would be no detrimental impact on nature conservation <u>or historic environment</u> interests;</p> <p><u>(vi)</u> (vii) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</p> <p style="padding-left: 40px;">(a) not negatively impact on the quality <u>and significance</u> of the listed structure; and</p> <p style="padding-left: 40px;">(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</p> <p>Where conversion incorporates additions in accordance with Policy DM11, further extensions will be restricted.</p> <p><u>(vii)</u> The conversion of existing agricultural and rural buildings for residential uses is not supported. <u>will be permitted provided that the proposal:</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>(a) is well related to a defined residential settlement;</u></p> <p><u>(b) is well related to local services and facilities;</u></p> <p><u>(c) has good connections to the strategic road network;</u></p> <p><u>(d) would promote sustainable transport modes;</u></p> <p><u>(e) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; and</u></p> <p><u>(f) is located within the South Essex Coastal Towns landscape character area.</u></p> <p><u>Where conversion incorporates additions in accordance with Policy DM11, further extensions will be restricted.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM31	47	Policy DM14	<p><i>Amend the policy as follows:</i></p> <p><u>The Council will support proposals for green tourism, provided the proposal would not have an undue negative impact on: Green tourism will be permitted having regard to:</u></p> <p>(i) the impact on the openness of the Green Belt (if applicable) and character of the countryside;</p> <p>(ii) the impact on the visual amenity of the surrounding area;</p> <p>(iii) the impact on the amenity of local residents;</p> <p>(iv) the impact on important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity;</p> <p>(v) the sensitivity of the landscape character area in which the proposal is situated, <u>having regard to the</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>area's sensitivity</u> to the development proposed;</p> <p>(vi) the impact on the historic environment, through taking into consideration the sensitivity of the different Historic Environment Character Zones set out in the Rochford District Historic Environment Characterisation Project (2006);</p> <p>(vii) the impact of the proposal on the agricultural value of the land; and</p> <p>(viii) the impact of the proposal on the highway network, having regard to the likely scale of tourism that the proposal would generate; <u>and</u></p> <p>(ix) <u>where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:</u></p> <p><u>(a) not negatively impact on the quality of the listed structure; and</u></p> <p><u>(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.</u></p> <p>Where ancillary facilities are proposed for the purposes of green tourism, it must be demonstrated that such facilities are necessary for the functioning of the activity. Existing agricultural and rural buildings should be reused and converted for the accompanying uses, wherever possible and appropriate. Any new structures must be the minimum size, height and bulk to accommodate the proposed use. Ancillary facilities should not have an undue impact on the openness of the Green Belt or character of the countryside.</p> <p>The conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/<u>holiday lets</u> will be permitted in appropriate locations provided that <u>all of the above criteria are met and: this will not result in an agglomeration of similar facilities;</u></p> <p>(a) <u>the application relates to an existing building of permanent and substantial construction; and</u></p> <p>(b) <u>the proposal does not exceed the existing footprint of the original building, with the exception of an</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>allowance for additions that would be permitted in accordance with Policy DM11.</u></p> <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM32	47	3.49	<p><i>Amend paragraph as follows:</i></p> <p>The NPPF (paragraph 89) considers the construction of new buildings for the provision of appropriate facilities for outdoor sport and recreation to be appropriate in the Green Belt, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It reasonably follows, therefore, that the change of use of land in the Green Belt for outdoor sport and recreation is appropriate. <u>The NPPF (paragraph 81) also supports opportunities to enhance the beneficial use of the Green Belt, for example through providing opportunities for outdoor sport and recreation.</u></p>
MM33	48	3.51	<p><i>Amend paragraph as follows:</i></p> <p>The provision of equestrian facilities is a popular form of rural diversification. Increasing demand for equestrian facilities within the District, however, reinforces the need to ensure a balanced approach through weighing the need for adequate recreational facilities for equestrian activities against the protection of the Green Belt and countryside, and wide-ranging nature conservation interests throughout the District. Equestrian development can appear as ‘creeping urbanism’, blurring the boundaries between urban areas and the open countryside. The NPPF (paragraph 28) sets out the government’s approach to development in rural areas. <u>It supports the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.</u> It recognises that such facilities can be integrated with current farming activities and can make an important contribution to sustaining local rural economies. The vast majority of the District’s rural areas are designated as Green Belt and, as such, <u>a balance needs to be struck between supporting equestrian facilities and ensuring minimal impact on the openness of the Green Belt and character of the countryside.</u> advice and guidance on development in the Green Belt must also be considered.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM34	48	3.53	<p><i>Split paragraph and amend as follows:</i></p> <p>Small-scale equestrian proposals (offering stabling for up to 10 horses) and large-scale proposals (proposing stables for 10 horses or more), where permitted, should ensure full reuse of existing agricultural and rural buildings before proposals for new development are considered. Where it is demonstrated that existing agricultural and rural buildings are inappropriate or insufficient for the purposes of the enterprise, new equestrian development may be permitted, providing it is closely located and related to existing development and not sited in remote or isolated rural locations. Isolated development can often appear intrusive in open countryside and can lead to the intensification of uses once established. As such, equestrian development may be more favourable within the South Essex Coastal Towns landscape character area.</p> <p>Furthermore, pProposals should seek to minimise the impact of proposed development on the openness of the Green Belt and character of the countryside by ensuring that any new buildings are of a modest design and scale, which is appropriate and the minimum size necessary for their intended purpose. Facilities should be located within one building, if appropriate, or in close proximity to other buildings to ensure visual intrusion is minimised. The Council considers that large-scale development of stables <u>and a proliferation of small-scale developments are</u> is inappropriate because such an enterprises would materially affect the landscape character and the integrity of the countryside and have an undue impact on the openness of the District's Green Belt.</p>
MM35	48-49	3.54	<p><i>Amend paragraph as follows:</i></p> <p>It is important to ensure that the welfare of horses through the provision of equestrian facilities is balanced against the potential impact on the openness of the Green Belt and character of the countryside. Therefore any proposed stable facility will have regard to the British Horse Society Standards in terms of stable size and grazing area as set out in 'Guidelines for the Keeping of Horses: Stable Sizes, Pasture and Fencing'¹² or the most up-to-date guidance. The Society, for example recommends 0.4 hectares (approximately 1 acre) of grazing land per horse. However, to protect the openness of the Green Belt, proposals should not</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<u>result in a proliferation of stables.</u>
MM36	49	Policy DM15	<p><i>Amend second point of the policy as follows:</i></p> <p>(ii) proposals for equestrian establishments whether for private use or as a commercial livery will need to demonstrate that there is adequate land within the curtilage of the site to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with the British Horse Society Standards or equivalent <u>the maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area;</u></p>
MM37	51	Policy DM16	<p><i>Amend first point of the policy as follows:</i></p> <p>(i) they are proposed in an area where a deficit in supply has been identified. Alternative locations where a deficit has not been identified may be acceptable where more up-to-date evidence on supply and demand is available, <u>where it would involve the replacement of a lost playing field</u> or where it can be demonstrated that it is not feasible to share facilities or utilise other existing facilities in the locality, for example school playing fields; or where it can be demonstrated that the deficit location would not be viable to meet the teams/activities needs;</p>
MM38	53	Policy DM17	<p><i>Amend criterion (ii) of the policy as follows:</i></p> <p>(ii) the proposal has been designed so as to avoid <u>a negative</u> impact on the character and appearance of the Green Belt through its scale, mass and orientation.</p>
MM39	56	Policy DM19	<p><i>Add an additional point to the policy:</i></p> <p>(vii) any mobile home will be located outside Flood Zone 3, and will only be located in Flood Zone 2 where it is shown to pass the Sequential and Exception Tests and is supported by a site-specific Flood Risk Assessment.</p>
MM40	57	Policy	<i>Amend first paragraph of the policy as follows:</i>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
		DM20	<p>Proposals for the development of basements for new and replacement dwellings will be permitted provided that:</p> <ul style="list-style-type: none"> (i) the proposal does not exceed the footprint of the original dwelling (including the 25% above ground extension allowance for replacement dwellings in the Green Belt); and (ii) the proposal does not give rise to the formation of a self-contained unit of accommodation such as a 'granny flat'. <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p> <p>Where a basement extension is permitted, planning permission shall be conditioned to remove permitted development rights which would allow the dwelling to be extended in order to control their scale, appearance and impact.</p>
MM41	58	Policy DM21	<p><i>Amend criterion (iii) of the policy as follows:</i></p> <ul style="list-style-type: none"> (iii) the visual mass <u>and bulk</u> of the new dwelling should be no greater <u>not be significantly larger</u> than that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow it should be replaced by a bungalow; and
MM42	59	3.80	<p><i>Amend paragraph as follows:</i></p> <p>Applications to extend domestic gardens beyond the current designation of the residential fringe <u>designated residential area</u> will be considered and permitted only where the impact on the surrounding environment, or visual amenity (the value, attractiveness or desirability of a particular view) for neighbours or the public is minimal. The size of the proposed garden extension will also be taken into consideration. The proposed extension should not be out of proportion with the size of the existing garden, for example it should not be more than double the size of the existing garden area.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM43	59	Policy DM22	<p><i>Amend the policy as follows:</i></p> <p>Extensions to domestic gardens which currently reside within, or would encroach onto the designated Green Belt land, will only be permitted provided that <u>Extensions to domestic gardens onto land within the Green Belt will only be permitted provided that:</u></p> <ul style="list-style-type: none"> (i) the proposal includes appropriate boundary treatment and would ensure a defensible and robust Green Belt boundary, for example where the extension would infill the residential fringe <u>designated residential area</u> inline with other gardens adjacent to the dwelling; (ii) the size of the proposed garden extension is appropriate <u>not out of proportion with the size of the existing garden</u>; (iii) the proposal would not impact on the openness or undeveloped character of the Green Belt <u>through the erection of fences, additional buildings and other built structures</u>; (iv) the proposal would not encroach on high quality agricultural land (particularly Grade 1 or 2); (v) the proposal would not adversely impact on other areas of open space; and (vi) the proposal would not adversely impact on the conservation value or protection of natural areas of local wildlife value, or sites of national and international importance, or the historic environment. <p>Planning permission for a garden extension into the Green Belt will be conditioned withdrawing permitted development rights relating to the provision of buildings and other structures within the curtilage of the dwelling.</p>
MM44	60	3.85	<p><i>Amend paragraph as follows:</i></p> <p>In the case of employment operations, <u>alternative uses to the existing use could have a greater impact on the openness of the Green Belt or character of the Conservation Area through introducing additional activity or traffic movements for example. Redevelopment should therefore retain existing uses, where appropriate, or propose alternative employment uses if the new use would complement the surrounding</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			land uses and have a positive impact on the appearance and value of the Conservation Area.
MM45	60	Policy DM23	<p><i>Amend policy as follows:</i></p> <p>Redevelopment will be considered acceptable within Conservation Areas situated in the Green Belt, provided that:</p> <ul style="list-style-type: none"> (i) it will make a positive contribution to the character and appearance of the Conservation Area and will contribute to the recommendations of the relevant Conservation Area Appraisal and Management Plan; (ii) the use of the building to be replaced is retained or is changed to one which is more appropriate in the Green Belt; (iii) <u>(ii)</u> the proposal would not adversely impact areas of biodiversity and geodiversity importance; and (iv) <u>(iii)</u> the proposal does not undermine the purposes of including the land within the Green Belt and is such that the impact on the openness of the Green Belt has been minimised. <p>Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.</p>
MM46	63	4.3	<p><i>Amend paragraph as follows:</i></p> <p>The Council is committed to improving the biodiversity and wildlife value of the District and to protect and enhance, where appropriate, local, national and international sites of nature conservation importance, as well as the Coastal Protection Belt <u>and the Greater Thames Marshes Nature Improvement Area (which encompasses much of the eastern part of the District)</u>. The importance of protecting local historical and archaeological sites is also recognised within the Core Strategy.</p>
MM47	65	Policy DM24	<p><i>The third paragraph of the policy should be amended as follows:</i></p> <p>Permanent moorings and associated infrastructure, where permitted, should not cause disturbance or</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>pollution to the surrounding environment, and should not adversely impact on the appearance of the local area, the objectives of the Green Belt, or the commercial or leisure use of the rivers and surroundings. <u>They should only be permitted where the Local Planning Authority is satisfied that the development has a tolerable level of safety for occupants in a flood event.</u></p>
MM48	67	Policy DM25	<p><i>Amend policy as follows:</i></p> <p>Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. <u>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.</u></p> <p>Where development would result in the <u>unavoidable</u> 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. Consideration should be given to the impact on <u>the landscape character area and the findings of the Rochford District Historic Environment Characterisation Project (2006)</u> when considering the potential loss of trees and/or woodland, and the replacement of these.</p> <p><u>Where existing trees and/or woodlands of ecological or landscape importance and should be retained, planning permission will be conditioned to ensure the retention and continued maintenance/management, where appropriate, of these features. On-site environmental enhancements including opportunities to create/enhance/restore habitats will also be sought.</u></p> <p>New woodland creation should be sought, where appropriate. In particular this should be encouraged within:</p> <ul style="list-style-type: none"> (i) schemes for the restoration of derelict or contaminated land and sites formerly used for mineral-extraction or industry;

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>(ii) green infrastructure projects, particularly in areas where sustainable development is promoted;</p> <p>(iii) planting schemes along transport corridors; and</p> <p>(iv) schemes to expand and link areas of native woodland taking into account the most up-to-date Rochford Biodiversity Action Plan targets.</p> <p>Conditions will also be attached to planning permissions to encourage the proper management of these important trees and woodlands, where appropriate. In addition to, or instead of, the completion of a legal agreement will be required to secure the provision of a replacement trees and woodlands of equivalent value and/or area as appropriate, and to ensure the future management of these features.</p>
MM49	67	4.17	<p><i>Amend paragraph as follows:</i></p> <p>Existing landscape features such as ponds, hedgerows and tree belts have a vital role to play both in supporting local biodiversity and contributing to the quality and appearance of the local environment. <u>These local landscape features may not have protection offered by national and international nature conservation designations as set out in Core Strategy Policy ENV1, but merit additional protection through the planning process.</u> Some important hedgerows, <u>however,</u> are also protected by the Hedgerow Regulations¹⁸.</p>
MM50	68	Policy DM26	<p><i>Amend last three paragraphs of the policy as follows:</i></p> <p>Development which would adversely affect, directly or indirectly, the landscape features listed above 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.</p> <p>Where a particular landscape feature is of ecological or landscape importance and should be retained, planning permission will be conditioned to ensure the retention and continued maintenance/management, where appropriate, of this landscape feature. On-site environmental enhancements including opportunities to create/enhance/restore habitats, <u>and to contribute to Water Framework Directive objectives,</u> will also be sought.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			Conditions will also be attached to planning permissions to encourage the proper management of these important landscape features, where appropriate. In addition to, or instead of, the completion of a legal agreement will be required to secure the provision of a replacement landscape feature of equivalent value, and to ensure the future management of this feature.
MM51	70	Policy DM27	<p><i>Amend policy as follows:</i></p> <p>Planning permission will only be granted for development provided it would not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.</p> <p>In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.</p> <p><u>Proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.</u> Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement in order to:</p> <ul style="list-style-type: none"> (i) secure the protection of individual members of the priority species and/or habitats; (ii) minimise the disturbance to the priority species and/or habitats; and (iii) provide adequate alternative habitats to sustain at least the current levels of population for protected species and/or provide a compensatory habitat to offset potential loss or disturbance of a priority habitat. <p><u>In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.</u></p>
MM52	72	4.37	<i>Insert footnote in the first sentence of the paragraph, as amended above, after ‘major development’:</i>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<u>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or more.</u>
MM53	76	5.8	<p><i>Insert footnote in the first sentence of the paragraph after ‘major development’:</i></p> <p><u>A development is considered major if 10 or more dwellings are proposed or the site area is 0.5 hectares or more.</u></p>
MM54	80	Policy DM32	<p><i>Amend the first paragraph of the policy as follows:</i></p> <p>New and existing employment land should have a predominance of B1 (Business) and/or B2 (General Industrial) employment uses. New employment development will be expected to be <u>predominantly</u> B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered having regard to:</p> <ul style="list-style-type: none"> (i) the number of jobs likely to be provided; (ii) the viability of retaining B1 and B2 uses; (iii) the compatibility with existing uses; (iv) the impact on the vitality and vibrancy of the District’s town centres; (v) the proportion of alternative uses present; and (vi) wider sustainability issues (such as available transport methods). <p>New and existing <u>Employment development</u> land should be of a high quality, <u>incorporate</u> safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed uses should be adequately mitigated against.</p> <p>Retail use is not normally permitted on employment land. However where the proposal passes our sequential approach to the location of retail development, then permission may be granted for businesses selling bulky goods.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
MM55	81	Policy DM33	<p><i>Amend the policy as follows:</i></p> <p>Proposals for uses operating businesses from dwellings, which require planning permission, will be supported provided that the use:</p> <ul style="list-style-type: none"> (i) remains linked to the residential use, <u>and residential remains the primary use; such that it does not become a separate commercial unit;</u> (ii) <u>will not result in a residential dwelling that fails to meet the floorspace standards set out in Policy DM4;</u> (iii) <u>(iii)</u> will not have a significant adverse effect on residential amenity; (iii) <u>(iv)</u> will not have a detrimental effect upon the visual character of the surrounding residential area; and (iv) <u>(v)</u> will not create on street parking or unacceptable highway problems. <p>Where such uses are approved they will be subject to appropriate conditions, for example controlling the size and frequencies of delivery vehicles, times of deliveries, visits, etc. as well as a condition relating the use solely to the person who occupies the dwelling and undertakes the activity.</p>
MM56	84	7.8	<p><i>Amend paragraph as follows:</i></p> <p>Whilst encouraging appropriate non-retail uses within the District, such as banks, building societies and restaurants, we <u>the Council</u> will endeavour to ensure that the effect of dead frontage is minimised by requiring that such premises continue to use shop windows for display purposes. Where a non-retail use is proposed (such as A2, A3, A4, A5, sui generis or B1 uses) for ground floor locations in core <u>primary</u> shopping frontages, we <u>the Council</u> will have regard to the appropriateness of the use and the uses already present in the frontage. The proposal should not lead to or add to a concentration of non-retail uses in an individual frontage or parade. As a guide there should be no more than three non-retail uses within a single frontage to create a cluster of uses. <u>there should not be a cluster of any more than two immediately adjacent non-retail uses of the same Use Class. More than two Sui Generis uses adjacent to one another</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<u>may not necessarily be considered a cluster, provided they are distinct and different uses.</u>
MM57	84	Policy DM34	<p><i>Amend the policy as follows:</i></p> <p>The frontages within Rayleigh, Hockley and Rochford's Primary Shopping Areas will comprise predominantly A1 retail use.</p> <p>The change of use of shopping frontages for non-retail purposes (in particular A3 use which includes restaurants and cafes), which make a positive contribution to the vibrancy and vitality of the town centres will be permitted providing that <u>the proposal would:</u></p> <ul style="list-style-type: none"> (i) the proposal would not have a detrimental impact on, or undermine, the dominance of A1 use businesses within the retail centre <u>not have a detrimental impact on, or undermine, the predominance of A1 uses, both within the town centre as a whole and within the primary shopping frontage;</u> (ii) the proposal would not create a cluster of similar non-retail businesses within the locality <u>not create a cluster of similar non-A1 uses of the same use class within a locality that undermines the retail character of the town centre;</u> and (iii) the proposal would positively contribute to the retail/non-retail offer and encourage people into the town centre <u>entail the provision of a non-A1 use which is considered to positively contribute to the overall offer and encourage people into the town centre.</u>
MM58	85	Policy DM35	<p><i>Amend the policy as follows:</i></p> <p>We <u>The Council</u> will permit the use of the upper floors of shops and other commercial premises <u>in town centres</u> for residential purposes. However, residential development will only be permitted where this would not result in a net loss of leisure or commercial uses within town centre locations. Permission will be granted, where appropriate, to ensure that accommodation is self-contained and suitably located with separate access from the street and that such accommodation provides a satisfactory standard of residential convenience and amenity.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			Where an Air Quality Management Area (AQMA) is designated, residential conversion of upper floor town centre locations will be restricted until the applicable air quality target is achieved.
MM59	86	DM36	<p><i>Amend the policy as follows:</i></p> <p>We <u>The Council</u> will seek to ensure that retail premises in villages and neighbourhood shopping areas outside town centres are retained.</p> <p>The change of use of the ground floor of existing retail premises to non-retail use outside town centres will be permitted providing that the following conditions are met:</p> <ul style="list-style-type: none"> (i) the loss of the retail unit is justified because the unit is vacant or that an A1 retail use is not financially viable. In either case, applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for retail use, but without success; (ii) the proposed use would serve the day-to-day needs of local residents; (iii) the proposed use would not reduce the quality of life of residents living in the immediate vicinity of the premises, as a result of noise, on-street parking, disturbance, cooking smells, litter or other factors; (iv) the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and (iv) where the proposal relates to premises with an existing shopfront, the shop window would continue to be used for display purposes. <p>The conversion of retail uses to residential is generally not supported.</p> <p>The change of use of existing non-retail units within villages and neighbourhood shopping areas (such as offices, hair dressers, takeaways and pubs), to residential use may be considered favourably (except if within the Green Belt) if it can be demonstrated that the loss of the existing use is justified because the unit is vacant, or the use is not financially viable. <u>Proposals to change non-retail units in the Green Belt to</u></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>residential use will be permitted provided that the proposal:</u></p> <p><u>(i) is well related to a defined residential settlement;</u></p> <p><u>(ii) is well related to local services and facilities;</u></p> <p><u>(iii) has good connections to the strategic road network;</u></p> <p><u>(iv) would promote sustainable transport modes;</u></p> <p><u>(v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;</u></p> <p><u>(vi) is located within the South Essex Coastal Towns landscape character area.</u></p> <p>Applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for an alternative non-retail use or for retail use, but without success</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM1	5	Table 1 (Transport)	<p><i>Amend the paragraph in relation to transport (second column) as follows:</i></p> <p>The transport chapter addresses the issues of parking standards and traffic management in more detail. <u>The Planning Obligations and Standard Charges Document (Core Strategy Policy CLT1) will provide further information on transport requirements and funding.</u></p>
AM2	6	1.12	<p><i>Amend paragraph as follows:</i></p> <p>The Minerals and Waste Local Plans produced by Essex County Council also form part of the Development Plan for Rochford District. The Waste Local Plan provides the strategy and policies for waste planning in Essex and Southend until at least 2031, and identifies sites for development. The Minerals Local Plan provides the strategy and policies for minerals planning in Essex until 2029 and includes allocations of sites for development. The Local Planning Authority must have regard to the policies in these documents in the determination of the future development of the District. <u>Parts of Rochford District lie within a Minerals Safeguarding Area and therefore consultation with Essex County Council is required for development proposed within this Area.</u></p>
AM3	6	1.14	<p><i>Amend paragraph as follows:</i></p> <p>To support this, we <u>the Council has</u> have four <u>three</u> main corporate objectives. These are:</p> <ul style="list-style-type: none"> • Making a difference to our community • Making a difference to our environment • Making a difference to our local economy

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM4	8	Bullet point 1	<p><i>Insert new bullet point above point 1:</i></p> <ul style="list-style-type: none"> • A Summary of Climate Change Risks for the East of England sets out the challenges facing the region.
AM5	10	Bullet point 6	<p><i>Amend bullet point as follows:</i></p> <ul style="list-style-type: none"> • Guidance Notes for the Reduction of Obtrusive Light (200512) developed by The Institution of Lighting Engineers Professionals identifies environmental zones and corresponding light thresholds.
AM6	10	Bullet point 8	<p><i>Insert new bullet point below point 8:</i></p> <ul style="list-style-type: none"> • Housing for People with Additional Needs Strategy 2013-2016 informs current and future developers and managers of housing, in both the social and private sectors, of the current understanding of supply and need for housing.
AM7	10	Bullet point 12	<p><i>Insert new bullet point below point 12:</i></p> <ul style="list-style-type: none"> • Planning and Climate Change Coalition (2012) Planning for Climate Change provides guidance for local authorities.
AM8	12	Bullet point 5	<p><i>Insert new bullet point below point 5:</i></p> <ul style="list-style-type: none"> • UK Climate Change Risk Assessment - Built Environment sets out the main priorities for adaptation in the UK under 5 key themes and describes the policy context, and action already in place to tackle some of the risks in each area.
AM9	14	Objective 1	<p><i>Amend objective as follows:</i></p> <ol style="list-style-type: none"> 1. Ensure the delivery of an adequate supply of sustainable dwellings to cater for the District's growing demand, as per the requirements of the East of England Plan and a 15 year housing land supply.

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM10	16	2.6	<p><i>Amend paragraph as follows:</i></p> <p>The historic environment of the District contributes to the unique character and history of individual settlements, as well as the established local streetscene. The significant historic townscapes, village centres and other smaller areas which merit statutory protection are protected through Conservation Area designations, and the most nationally important buildings and items of street furniture of ‘special interest’ are protected through Listed Building status <u>and listed building status in the case of historic buildings meeting national criteria relating to their significance</u>. It is, however, also important to consider the impact of development and change on the wider area beyond the boundary of protected areas and on locally important unlisted buildings which are cherished by the local community.</p>
AM11	17	2.10	<p><i>Amend paragraph as follows:</i></p> <p>It is also important to promote and support the enhancement of the environmental quality of the District’s countryside and settlements. As such, regard should be had to the landscape character areas, which define the different geographical regions with a recognisable pattern of landscape characteristics, which create a distinct sense of place. We <u>The Council</u> will also encourage the preparation of Village Design Statements and Parish Plans by local community groups throughout the District, which will provide developers with guidance on the local character of individual settlements and help ensure that developments are sensitive to the local area and designed in a way that would be acceptable to the local population. Village Design Statements will be expected to have been produced in consultation with the public to ensure that they reflect local opinions, and they must be endorsed by the Council before they can be used. It is also important to take into consideration the findings of the Rochford District Historic Environment Characterisation Project (2006); which provides a wealth of information on the importance of the historic environment within the District, depicting how historic patterns of development have influenced the variability of the historic environment, for example, in terms of archaeological conservation and value. This will enable the sensitivity of landscapes and the characteristics of local places to be fully considered in the context of individual planning applications.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM12	17	2.11	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> are concerned about the potential impact of climate change and will therefore expect developers to implement appropriate initiatives to mitigate the impact of new developments. The design and construction of buildings can directly affect the environment in terms of energy use and the generation of greenhouse gases, and the subsequent impact on climate change through global warming. This will also affect the consumption of non-renewable natural materials. The implementation of appropriate measures to reduce the consumption of energy and natural resources will help achieve the wider objective of securing more sustainable forms of development within the District.</p>
AM13	17	2.12	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> will therefore expect that all new buildings are well designed, fit-for-purpose, appropriate for the site and its setting, and adaptable for long-term use. New buildings should achieve high environmental standards through energy and resource efficient sustainable design and make best use of sustainable construction techniques. All dwellings (i.e. domestic buildings) must achieve the required Code for Sustainable Homes and Lifetime Homes Standards and non-domestic buildings must aspire to achieve the appropriate BREEAM (Building Research Establishment Environmental Assessment Method) rating. Further information on the Code for Sustainable Homes Standard, Lifetime Homes Standard and the BREEAM rating can be found within Policy ENV9, H6 and ENV10 of the Core Strategy.</p>
AM14	17-18	2.13	<p><i>Amend paragraph as follows:</i></p> <p>Whilst aspiring for sustainable construction of new buildings, we <u>the Council</u> also actively encourage the provision of well designed high quality places, which is pivotal for both major and small-scale developments. Schemes should have a safe, inclusive layout with legible and well planned routes, blocks and spaces, integrated residential, commercial and community activity, safe public spaces and pedestrian routes without traffic conflict, secure private areas, attractive buildings and landscaped spaces. Existing features such as trees and woodlands should be retained, where possible, and appropriate mitigation measures taken (Policy DM25). Security principles set out in the national guidance ‘Secured By Design’²</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			should be taken into account in the formulation of development proposals.
AM15	20	2.18	<p><i>Amend paragraph as follows:</i></p> <p>Density can impact on the character and form of development, and as such, we <u>the Council</u> will maintain a flexible approach towards the appropriate density of new developments to reflect the individual identities of each area. However, it is recognised within Policy H1 (The efficient use of land for housing) of the Core Strategy that some locations, namely town centres, are more sustainable in terms of infrastructure provision and access to amenities, and can thus accommodate higher density development.</p>
AM16	20	2.19	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> therefore do not seek to be overly prescriptive with regard to density but will encourage appropriate densities which reflect the character, scale and form of the locality to create cohesive, sustainable environments.</p>
AM17	20	2.21	<p><i>Amend paragraph as follows:</i></p> <p>Infilling can be defined as filling the small gaps between existing groups of dwellings with new development. Although gaps in the streetscene can add to the visual and recreational amenity value of places, we <u>the Council</u> consider the limited infilling of settlements to be acceptable where the development conforms to the existing street pattern and density of the immediate locality. We <u>The Council</u> will also permit an appropriate level of residential intensification within town centre areas where densities are higher due to their sustainable locations; this will help safeguard Green Belt land in the District. The suitable density for town centre locations is 75 dwellings per hectare as set out in Policy H1 (The efficient use of land for housing) of the Core Strategy. However, the appropriateness of infilling in residential areas will be determined on a case by case basis primarily having regard to residential intensification, ‘town cramming’ (i.e. where too much infill development in the existing residential area would be detrimental to the area’s character) and the impact on the character of the streetscene.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM18	20	2.22	<p><i>Amend paragraph as follows:</i></p> <p>A restrictive approach is appropriate as infilling and residential intensification can have a negative impact on the amenity and character of settlements, and lead to increased traffic generation, and ‘town cramming’. As such, we <u>the Council</u> will seek to avoid these adverse effects.</p>
AM19	22	2.26	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> recognise the importance of ensuring high quality development in addition to providing enough dwellings to meet the District’s housing needs. Dwellings, whether comprising housing or flats, which are market or affordable, should be of an appropriate size and layout to provide suitable and comfortable accommodation for modern living.</p>
AM20	24	2.34	<p><i>Amend paragraph as follows:</i></p> <p>Whilst dwellings should be reasonably sized, they must also have a suitably designed internal layout to ensure comfortable habitation for potential occupants. Therefore we <u>the Council</u> will not only have regard to whether the minimum standard has been applied to all dwellings within the development, but will also determine if the internal layout is appropriate and fit for purpose. In determining the appropriate design and layout of dwellings, the need to comply with the Lifetime Homes Standard as per Policy H6 of the Core Strategy must be taken into consideration. The 16 Design Criteria (5 July 2010)⁷ for the Lifetime Homes Standard, or the most up to date criteria, should be applied to all new developments.</p>
AM21	25	Footnote 9	<p><i>Amend footnote as follows:</i></p> <p>The Institution of Lighting Engineers Professionals (Guidance Notes for the Reduction of Obtrusive Light) available from http://www.theilp.org.uk/uploads/File/Technical/RLP%202005.pdf https://www.theilp.org.uk/documents/obtrusive-light/</p>
AM22	26	2.42	<p><i>Amend paragraph as follows:</i></p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			The guidance produced by the Institute <u>Institution</u> of Lighting Engineers Professionals ¹⁰ recommends the setting of lighting limits before and after curfews (an agreed time, usually late evening, at which the level of artificial lighting should be reduced) within these environmental zones. However, the lower thresholds which would be applicable after curfews is not considered to be reasonable or appropriate as we <u>the Council</u> will seek to ensure that lighting is the minimum needed for security and working purposes in any case. Therefore the upper thresholds for each applicable environmental zone should be the maximum illumination permitted. Within the three environmental zones defined above the following thresholds should apply:
AM23	26	Footnote 10	<i>Amend footnote as follows:</i> The Institution of Lighting Engineers Professionals (Guidance Notes for the Reduction of Obtrusive Light) available from http://www.theilp.org.uk/uploads/File/Technical/RLP%202005.pdf https://www.theilp.org.uk/documents/obtrusive-light/
AM24	27	Table 4	<i>Amend table as follows:</i> Table 4 – Obtrusive Light Limitations for External Lighting Installations (amended from the guidance provided by The Institute <u>Institution</u> of Lighting Engineers Professionals)
AM25	27	2.43	<i>Amend paragraph as follows:</i> Further information on the application of these standards can be found within ‘Guidance Notes for the Reduction of Obtrusive Light’ developed by the Institute <u>Institution</u> of Lighting Engineers Professionals.
AM26	27	2.44	<i>Amend paragraph as follows:</i> Any lighting proposed should be the minimum necessary for safety and working purposes, and should be appropriately designed and installed in order to avoid unnecessary light spillage and trespass. The design, appearance and scale (i.e. the height) of proposed lighting and the impact on the character and appearance of an area will be carefully considered. In particular careful consideration will be given to lighting installations

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			which may affect buildings, features and areas which are recognised for their historic and/or architectural importance (for example Listed Buildings and Conservation Areas) where government advice is that the special character of these areas, buildings and their settings should be protected from inappropriate development. The impact on locally listed buildings should also be carefully considered. The guidance produced by the Institute <u>Institution</u> of Lighting Engineers Professionals ¹¹ should be taken into consideration in the development and installation of any lighting proposals.
AM27	27	Footnote 11	<i>Amend footnote as follows:</i> The Institution of Lighting Engineers Professionals (Guidance Notes for the Reduction of Obtrusive Light) available from http://www.theilp.org.uk/uploads/File/Technical/RLP%202005.pdf https://www.theilp.org.uk/documents/obtrusive-light/
AM28	28-29	2.48	<i>Amend paragraph as follows:</i> The NPPF recognises the need to ensure the continued functioning and extension of existing telecommunications systems and the development of new networks whilst balancing the need to protect visual amenity and minimise environmental impacts. As such, we <u>the Council</u> will seek to ensure that, particularly in the more rural areas of the District, there are adequate telecommunications systems (either through the maintenance or extension of existing networks, or the provision of new networks). Adequate provision will be balanced against ensuring that there are no unacceptable effects on the natural and built environment, in particular sites of local, national and international nature conservation importance (including Sites of Special Scientific Interest (SSSIs), the Coastal Protection Belt, Ancient Woodland, Special Areas of Conservation (SACs), Special Landscape Areas (SLAs), Local Wildlife Sites (LoWS) and the Upper Roach Valley) or sites of historic significance (such as Conservation Areas and Listed Buildings), and the impact on visual and residential amenity is minimal.
AM29	29	2.49	<i>Amend paragraph as follows:</i> Where environmental improvements are to be encouraged, especially in the District's Conservation Areas, and other town and village centres, we <u>the Council</u> will seek the co-operation of telecommunication

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			providers in ensuring wherever possible that telephone cables are provided underground and that telephone boxes are sensitively designed and appropriately sited. Providers will be encouraged to dismantle all disused overhead lines.
AM30	30	2.55	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> recognise the importance of such buildings which contribute to the distinctive character of each area within the District and enhance the local environment. The setting of such buildings is considered to be of particular importance. We <u>The Council</u> do not want to be overly restrictive but aim to provide guidance and criteria which will help to protect special characteristics of locally listed buildings or items of street furniture and encourage sensitive alterations and modifications, where appropriate.</p>
AM31	31	2.56	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> will work with owners of buildings included in the Local List at all stages of the planning process, and encourage them to avoid proposals for demolition, unsympathetic alterations or changes which will diminish the value of their buildings in historic, architectural or townscape terms.</p>
AM32	31	2.57	<p><i>Amend paragraph as follows:</i></p> <p>Conservation Areas, as designated by the Council, are areas of special architectural or historic interest where we the Council have <u>has</u> a statutory duty to preserve or enhance their character and appearance. The character of an area derives from a number of elements; these can include the siting and design of its buildings, open spaces, views and features such as walls, the landscape, streetscene, materials and the activities that take place there.</p>
AM33	31	2.58	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council has</u> have control over the demolition of most buildings (including walls and structures) within Conservation Areas by virtue of Section 74 of the Planning (Listed Building and Conservation Areas) Act 1990.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM34	37	Heading (above 3.12)	<i>Amend heading as follows:</i> Red<u>Development of Previously Developed Land in the Green Belt</u>
AM35	42	3.36	<i>Amend paragraph as follows:</i> The Council recognises the importance of encouraging and sustaining local economic growth throughout the District, but this needs to be weighed against the impact of business operations on the objectives of the Green Belt, in particular its openness as well as wider sustainability objectives. The Council will support lawfully established businesses in appropriate and accessible locations to encourage the vitality of the local economy and to fulfil the potential of local businesses. To preserve openness as far as possible and to protect the character of the Green Belt, existing lawfully established businesses will in principle be allowed to increase the gross floorspace of the original building where existing business operations are taking place. The ‘original building’ in this case refers to the floor area as at 1948 or later (depending on when the building was constructed). However, if no original plans or plans for extensions are evident in the planning records, then we <u>the Council</u> will assume that the current building is original. The size and scale of proposed extensions must be proportionate and will be determined on a case by case basis taking into consideration the NPPF.
AM36	44-45	3.43	<i>Amend paragraph as follows:</i> The NPPF sets out the government's planning policies for economic development in rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas. The guidance encourages the reuse of existing farm buildings in the interest of rural diversification where practicable. The Council supports this objective and the conversion of existing agricultural and rural buildings in the countryside, and Green Belt where this is appropriate. As such, it is necessary to set out a policy for the conversion of agricultural and rural buildings in the Green Belt which balances economic and Green Belt objectives. Where the ‘original building’ is mentioned, this refers to the floor area as at 1948 or later (depending on when the building was constructed). However, if no original plans or plans for

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			extensions are evident in the planning records, then we <u>the Council</u> will assume that the current building is original.
AM37	70	4.30	<p><i>Replace sentence with the following paragraph:</i></p> <p>The Local Planning Authority or Essex County Council (the SUDS Approval Body or SAB from April 2014) is the authority responsible for the determination of planning applications for SUDS. This means that all new development which has surface water drainage implications will potentially require SAB approval and need to conform to National and Local Standards. Essex County Council will be strongly promoting the management of rainfall at the surface and therefore the use of above ground SUDS features (e.g. swales, filter strips, basins, ponds and wetlands etc.) will be required rather than pipes, soakaways and underground storage structures, as these bring more benefits to the community in their amenity and biodiversity value as well as being easier and more economical to maintain and need not be more expensive to install. Also, SUDS proposals which provide for limiting surface water runoff rates from the site to existing greenfield rates will be expected.</p>
AM38	72	4.37	<p><i>Amend paragraph as follows:</i></p> <p>Air quality assessments will be required to accompany all major planning applications <u>for major development</u> to assess the cumulative impact on local air quality. The guidance produced by Environmental Protection UK in ‘Development Control: Planning for Air Quality (2010 Update)’²⁰, or the most up to date guidance, should be referred to in the development of air quality assessments. Planning obligations should be sought to either mitigate the impact of development on local air quality or support the future monitoring of potentially significant road junctions, as appropriate. The approach taken should be proportional with the scale of the development and should be determined in consultation with the Council’s Environmental Health team.</p>
AM39	80	6.8	<p><i>Amend paragraph as follows:</i></p> <p>However, we <u>the Council</u> recognise the necessity of maintaining a flexible approach to employment uses</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
			to reflect the current economic and employment situation and ensure that employment land remains vibrant with minimal vacancies. Alternative use classes will be permitted if they are an appropriate use which does not undermine existing employment uses and positively contributes to the viability of the employment land, and are compatible with existing employment uses in terms of, for example, health and safety considerations.
AM40	82	7.5	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> are currently preparing Area Action Plans for the each of the District's town centres. These Plans will be site specific and contain detailed policies to ensure the balance of appropriate uses and direct positive enhancements for each commercial centre, including specifying the suitable mix of retail and non-retail uses and enhancing accessibility to ensure vibrancy and vitality. However, whilst the town centre Area Action Plans will have specific planning policies it is necessary to have an overarching policy which ensures the appropriate mix of retail and non-retail uses within each of the town centres.</p>
AM41	82	7.6	<p><i>Amend paragraph as follows:</i></p> <p>It is considered necessary to retain and encourage a balanced mix of uses within the District's town centres to cater for a variety of user needs. Whilst we <u>the Council</u> want to retain the dominance of A1 uses (retail) with some A2 uses (financial and professional services) within core shopping frontage areas, we <u>the Council</u> also want to encourage other complementary uses to ensure a greater combination of uses and enhance the local appeal of these retail centres. To ensure the right balance between retail and non-retail uses is achieved regard must be had to shifts in consumer preferences and market changes.</p>
AM42	84	7.10	<p><i>Amend paragraph as follows:</i></p> <p>In considering the appropriate mix of retail and non-retail development, we <u>the Council</u> will have regard to evidence provided by the most up-to-date Retail and Leisure Study for the District available. Where an up-to-date Retail and Leisure Study is not available, then generally 75% retail development should be maintained.</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications

Ref	Page	Policy/ Paragraph	Additional Modifications
AM43	84	7.14	<p><i>Amend paragraph as follows:</i></p> <p>We <u>The Council</u> consider that it is important to retain and enhance small rows of shops in addition to parades of shops which perform the same function within the defined settlements.</p>
AM44	99	After Appendix 1	<p><i>Insert new appendix after Appendix 1 as follows:</i></p> <p>Appendix 2 – Extant Local Development Plan Policies</p> <p>For clarity, upon adoption of the Development Management Document, the remaining saved policies in the 2006 Replacement Local Plan will expire.</p>

**EXAMINATION OF THE ROCHFORD DEVELOPMENT MANAGEMENT
SUBMISSION DOCUMENT**

Please reply to the Programme Officer Kerry Freeman
Programme.Officer@Rochford.gov.uk

Mr S Hollingworth
Planning Policy Team leader
Rochford District Council

22 April 2014

Dear Mr Hollingworth

**MODIFICATIONS TO THE ROCHFORD DEVELOPMENT MANAGEMENT
SUBMISSION DOCUMENT (DMD)**

1. Following the hearing on 26 March 2014 I confirm that I have received additional evidence from the Council regarding various matters raised and an updated proposed Schedule of Changes.
2. As indicated at the hearing and as confirmed by the subsequent Note¹ the purpose of this letter is to set out my interim views on the further modifications needed to the Plan in order to make it sound. However, it is ultimately a matter for the Council as to whether or how they wish to modify the Plan and to review the options that might be open to it.
3. I have given full consideration to all the representations made about the Plan including the oral contributions at the hearings. The detailed reasons for my conclusions will be given in the final report which will be produced following consultation on the proposed main modifications. Nevertheless, in order to assist in the understanding of the need for modifications in the light of the criteria for soundness, I shall provide brief reasons for my interim findings.
4. These may be altered in the light of further evidence through the consultation process and my preliminary views are given here without prejudice to the conclusions that will appear in the report. This will also cover other issues that arose during the examination but which are not dealt with in this letter.
5. I shall comment on the policies of the Plan one-by-one where necessary. In so doing I have had regard not only to the criteria for soundness at paragraph 182 of the National Planning Policy Framework (NPPF) but also the principles for Local Plans set out in

¹ EXD012

paragraph 157. Furthermore, the NPPF establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The DMD should therefore set out clear policies on what will or will not be permitted and these principles lie behind my comments even if not expressly stated. I also suggest some detailed changes that relate to the effectiveness of the policies on the attached track changes version of the Schedule.

Policy DM3 – Infilling and Residential Intensification

6. Paragraph 2.24 forms part of the interpretation of criterion (ii) which refers to the number and type of dwellings being appropriate to the existing character of the locality. However, the supporting text indicates that the 'starting point' should be that replacement dwellings should be on a like for like basis. This does not sit well with Policy H5 of the Core Strategy or with the aim in the NPPF of boosting significantly the supply of housing. Furthermore, the Council is to be consulted to determine whether the loss of an existing dwelling type is appropriate whereas in order to be effective this should be set out in the Plan.
7. Therefore the Council should look at this paragraph again to allow for greater flexibility whilst at the same time identifying areas where different dwelling types are unlikely to be acceptable such as areas of homogenous development. As I understand it the loss of existing dwelling types per se is not the concern but rather it is the introduction of different types and forms of development which would fail to respond to local character and history. Consequently it might be better to express the policy in this way.

Policy DM5 – Light Pollution

8. This requires that detailed lighting schemes accompany full planning applications subject to certain caveats. However, this provision does not fit with the purpose of policies contained in the NPPF. Therefore this reference should be removed and if necessary should be included in the Council's list of validation requirements as referred to in the Town and Country Planning (Development Management Procedure) (England) Order 20120 (as amended).
9. Furthermore, paragraph 125 of the NPPF establishes that the impact of light pollution from artificial light should be limited by encouraging good design. The policy is not consistent with the NPPF in that schemes must demonstrate that they will not have an adverse impact. This looks at the matter the other way round to national policy. Whilst I recognise that external lighting needs to be controlled a more positive approach, similar to that included in relation to leisure and recreational facilities, is required for other lighting installations to make the policy sound.

Policy DM8 – Demolition within Conservation Areas

10. The clause that demolition will only be granted consent in exceptional circumstances if criteria (i) and (ii) are not met is inconsistent with the NPPF. Whilst paragraph 132 indicates that any harm or loss requires clear and convincing justification the NPPF also establishes that harm should be balanced against public benefits. The policy should therefore more fully reflect the possibility of weighing harm against benefits.

Policy DM11 – Existing businesses in the Green Belt

11. Criterion (v) requires a demonstration that the proposal is necessary for the functioning of the business and not better situated elsewhere. However, the policy contains other restrictions on the size of extensions, replacement premises and seeks to ensure that the impact on openness is minimised in accordance with the NPPF. Furthermore, criterion (ii) contains reference to the availability of suitable vacant units close by. With this in mind, criterion (v) contains an additional hurdle that does not coincide with the more general support for economic growth in rural areas.
12. Furthermore, as the policy relates to existing businesses it would not encourage others to re-locate to the Green Belt whilst the other criteria would set limitations on the degree of expansion which may, in itself, cause a business to consider possible re-location. Therefore the specific requirement of criterion (v) is not sound and should be removed. In so doing, I am satisfied that an unnecessary burden would be removed from existing businesses without prejudicing the aims and purposes of Green Belts.

Policy DM13 – Conversion of Existing Agricultural and Rural Buildings in the Green Belt

13. Criterion (i) requires existing buildings to be reused or adapted to be of a form, bulk and general design that is in keeping with its surroundings. This wording previously appeared in Planning Policy Guidance Note (PPG) 2: *Green Belts* but is not included in the NPPF. Although the importance of character is recognised in paragraph 28 buildings of this description should not now be automatically excluded from beneficial re-use.
14. Furthermore, given that the policy relates to existing buildings there would be no impact on the openness of the Green Belt if they were to be converted. The final sentence of the policy also refers to avoiding harm to the character of the countryside by design so that visual implications could be taken into account. In short, criterion (i) is not consistent with national policy and should be removed.

Policy DM14 – Green Tourism

15. Paragraph 28 of the NPPF indicates that local plans should support sustainable rural tourism. However, the expectation that the conversion of existing buildings to bed and breakfast/small-scale hotels/holiday lets should show clear evidence of a firm intention and ability to develop the enterprise and that it has been planned on a sound financial basis does not tally with the NPPF.
16. Although no evidence has been provided of this occurring in Rochford I understand the concern is that once permitted it may be difficult to resist proposals to convert to residential use. However, any such application would presumably be considered against Policy DM13 which allows for the conversion of existing rural buildings to residential uses in certain circumstances. Furthermore, if the Council wishes to ensure that tourism uses are retained then consideration could be given to introducing a policy to this effect although supporting justification would be required together with provisos to enable re-use if the tourist use were no longer viable.
17. However, criteria (a) and (b) are not sound and should be removed. It is also unclear to me which parts of Policies DM12 and DM13 proposals for bed and breakfast/small-scale hotels/holiday lets should have regard to. It would be more effective for all considerations relating to Green Tourism to be included within Policy DM14 notwithstanding the overlap between these policies.

Policy DM20 – Basements in the Green Belt

18. The Planning Practice Guidance (PPG) on *Use of Planning Conditions* confirms that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances². Whilst I note the Council's points about increased residential use and associated movements the removal of permitted development rights for extensions in every case as set out in the policy would fall short of amounting to "exceptional circumstances". This is particularly because the construction of a basement extension would be unlikely to change the consequences for openness which is an essential characteristic of Green Belts.
19. However, on an individual case, consideration could be given to the imposition of a condition provided that the 6 tests, including those relating to reasonableness and necessity, would be met. Nevertheless, as it stands this paragraph is not consistent with national guidance and should be removed.

² ID 21a-017-20140306

Policy DM21 – Replacement or Rebuild of Existing Dwellings in the Green Belt

20. Criterion (i) allows for a 25% increase in floorspace but criterion (iii) indicates that visual mass and bulk should be no greater than the existing dwelling whilst taking into account criterion (i). This is confusing and ineffective since accepting an increase in floor area is almost bound to result in a bigger dwelling. This sentence should therefore be deleted but consideration could be given to a revision along the lines that the visual mass and bulk of the new dwelling should not be significantly larger than the existing.

Policy DM23 – Conservation Areas and the Green Belt

21. Criterion (ii) indicates that redevelopment for the same use as the existing building or one that is more appropriate is acceptable. Paragraph 3.85 seeks to clarify what is meant by “more appropriate” but is not fully effective. Elsewhere the policy contains provisions about openness and the character of Conservation Areas which appears to be the rationale for this provision. Consequently it is superfluous and should be omitted especially as Policy DM10 would be likely to apply.

Policy 33 – Working From Home

22. The PPG indicates that planning permission should run with the land and that it is rarely appropriate to provide otherwise³. Furthermore conditions restricting the frequency and times of deliveries are likely to be matters over which any applicant has no control and therefore unenforceable. Conditions could be imposed in particular cases where justified but the statement of intent within this policy is not compatible with national guidance and should be removed.

Policy DM35 – Upper Floor Locations in Town Centres

23. Leisure and commercial uses are defined as main town centres uses in the Glossary to the NPPF (Annex 2). Paragraph 23 recognises the importance of the vitality of town centres. However, planning applications for change to residential use from commercial buildings should normally be approved according to paragraph 51. No strong economic reasons have been given as to why such development would be inappropriate. Furthermore, the Ministerial Statement on 6 February 2014 confirmed that the policy goal of changes to permitted development rights is to make it easier to convert redundant, empty and under-used office space into new homes⁴.
24. Therefore the second sentence is not consistent with national policy and should be taken out in order to achieve soundness.

³ ID 21a-015-20140306

⁴ [Change of use: new homes - Written statements to Parliament - GOV.UK](#)

Next steps

25. I am not inviting comments from the Council or anyone else on the interim views expressed in this letter. They are provided for the purpose of identifying the matters where I consider further modifications are required to achieve soundness. However, could the Council let me know as soon as possible if there are any points of fact or clarification that it wishes me to address.
26. I therefore now invite the Council to propose further Main Modifications to the Plan to deal with the matters of soundness referred to in this letter after carrying out any necessary Sustainability Appraisal and Habitats Regulations assessment. As a result of these it may be necessary for other, consequential changes to be made to the Plan that are not covered in this letter. The Council should ensure that the Plan reads coherently as a whole after these have been undertaken.
27. Once the Council has considered its position and produced a final consolidated set of Main Modifications in response to this letter it would be prudent for me to see this in order to avoid any obvious procedural or soundness issues. It would be helpful if the alterations undertaken since the immediate post hearing version were highlighted. The schedule should also contain a separate numbering system for the Main Modifications (**MM1, MM2**). I confirm that none of the Additional Modifications listed need to be included as Main Modifications.
28. On the conclusion of this process the Main Modifications should be the subject of a period of consultation of at least 6 weeks. In carrying out the further consultation the Council should make it clear that comments should solely address the proposed changes and the implications arising from them. I confirm that I will take the responses to that consultation into account in compiling my final report and recommendation but do not anticipate that a further hearing session will be necessary.
29. Could the Council please keep me informed of progress regarding the timing of the consultation process. At this juncture I estimate that my report should be completed about 6 weeks after its closure.

David Smith

INSPECTOR

Sustainability Appraisal of the Development Management Submission Document – Schedule of Modifications July 2014

Introduction

This report forms an addendum to the Sustainability Appraisal (SA) of the Development Management Submission Document. The Development Management Document SA was consulted on along side the Development Management Submission Document between 3 June and 18 July 2013. Following the consultation stage the Development Management Submission Document and several supporting documents were submitted to the Government for independent examination on 13 December 2013.

Following the examination a consolidated Schedule of Modifications was produced and agreed with the Inspector. This report does not seek to repeat the assessment of the Development Management Submission Document, rather it assesses the changes made to the document following the Examination. This report should therefore be read in conjunction with the SA of the Development Management Submission Document.

Sustainability Appraisal Process

The Sustainability Appraisal (SA) is required to accompany a Development Plan Document under the Planning and Compulsory Purchase Act 2004 regulations.

The production of the Development Management Document has been an iterative process, and SA was undertaken at the various stages to assist the decision-making process. The findings of the SA at each stage were used to inform the production of the following stages until production of the version for submission.

SA of the Development Management Document was undertaken at Issues and Options and Submission stages.

The SA of the proposed modifications arising from the Examination forms an addendum to the SA of the Development Management Submission Document and therefore should be read in conjunction with that SA.

The SA of the Development Management Document used a SA Framework, including sustainability objectives, to assess policies. This addendum follows the same approach making use of the same SA Framework to ensure consistency.

Assessment of the effects of proposed modifications

An assessment of the effects of the Development Management Submission Document Schedule of Modifications is set out below.

Habitat Regulation Assessment

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

Articles 6(3) and 6 (4) of the Habitats Directive require Appropriate Assessment (AA) to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more Natura 2000 sites either individually, or in-combination with other plans and projects. This requirement is set out in the Conservation of Habitats and Species Regulations (as amended) 2010, which require the application of HRA to all land use plans. Government guidance also requires that Ramsar sites (which support internally important wetland habitats) and are listed under the Convention on Wetlands of International Importance (Ramsar Convention 1971) are included within HRA/AA.

None of the changes proposed following the examination of the Development Management Document have any impact on sites protected under the Habitats Directive.

Development Management Document: Schedule of Modifications SA

The impact of each proposed change has been assessed using the same criteria as the SA of the Development Management Submission Document. Correspondingly the scoring method for each impact is also the same.

Table 1 – Categories of Sustainability Effects

Colour	Impact
++	Major Positive
+	Positive
+/-	Positive/Negative
0	No Impact
?	Uncertain
-	Negative
--	Major Negative

Table 2 – Assessment of modifications

Modification	Impact	Commentary	Score
MM1	No impact	This change will not have an effect on the Sa score.	N/A
MM2	Potential impact	This modification is likely to have a slightly greater positive benefit to accessibility compared to the previous version of the Policy. The modifications to	Accessibility ++

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		<p>Policy DM1 will have some impact on the SA score.</p> <p>The requirement that the integration of existing and proposed public rights of way should be considered ensures that the Policy performs slightly better in its amended form.</p> <p>As DM1 now requires greater consideration to be given to integrating existing transit routes to those within the site this will have a positive impact on sustainability.</p>	
MM3	No impact	Does not entail change to policy.	N/A
MM4	Potential impact	<p>Positive impact on housing, landscape and townscape</p> <p>The Policy already performs well when measured against the SA criteria.</p> <p>Originally the Policy was noted as performing strongly because of its flexible approach to housing density which would allow for a range of densities and therefore a range of housing types within the District. Key to this is the need to provide an</p>	Housing ++

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		<p>appropriate mix of dwellings to meet the community's needs.</p> <p>The supporting text for the Policy already mentions that 30 dwellings per hectare should be the minimum density for a site. Making this requirement explicit within the Policy serves to further emphasise the requirement, increasing its positive impact on housing and ensuring the efficient use of land.</p>	Landscape and Townscape ++
MM5	No impact	Does not entail change to policy.	N/A
MM6	No impact	This modification will not have a significant effect on the SA score.	N/A
MM7	No impact	Does not entail change to policy.	N/A
MM8	No impact	Does not entail change to policy.	N/A
MM9	No impact	This modification will not have a significant effect on the SA score.	N/A
MM10	No impact	Does not entail change to policy.	N/A
MM11	No impact	Does not entail change to policy.	N/A
MM12	No impact	Does not entail change to policy.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
MM13	No impact	This modification will not have a significant effect on the SA score.	N/A
MM14	Potential impact	<p>The modification to the Policy is likely to have a slight negative impact on Landscape and Townscape when compared to the previous version of the Policy.</p> <p>The proposed modification to Policy DM6 proposes several changes that have no effect on the score previously stated. However the removal of some of the text will have an impact on the score of the Policy.</p> <p>The removal of part (c) of criterion (iii) removes the explicit expectation that the relationship between the proposal and existing masts, structures or buildings should be considered. This reduces the emphasis on the efficient use of land and visual amenity.</p> <p>Criterion (iv) was removed as it is effectively repeated elsewhere. This will have no impact on the Policy's score.</p>	Landscape and Townscape -
MM15	No impact	Does not entail change to policy.	N/A
MM16	No impact	This modification will not have a significant effect on the SA score.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
MM17	No impact	Does not entail change to policy.	N/A
MM18	No impact	Does not entail change to policy.	N/A
MM19	No impact	This modification will not have a significant effect on the SA score.	N/A
MM20	No impact	This modification will not have a significant effect on the SA score.	N/A
MM21	No impact	Does not entail change to policy.	N/A
MM22	No impact	Does not entail change to policy.	N/A
MM23	No impact	This modification will not have a significant effect on the SA score.	N/A
MM24	No impact	Does not entail change to policy.	N/A
MM25	Potential impact	<p>The proposed change to Policy DM11 will affect several of the SA objectives.</p> <p>The addition of text requiring that ‘where a replacement is proposed it would not be materially larger than the one it replaces’ will ensure that any replacement building does not adversely affect or detract from the Green Belt. This will have a positive effect on Landscape and Townscape.</p> <p>The removal of criterion (v) may have a small</p>	<p>Landscape and Townscape +</p> <p>Cultural Heritage +</p> <p>Landscape and Townscape -</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		<p>impact on the SA score for landscape and townscape when compared to the previous version of the Policy due to the fact that the Policy no longer requires that it be demonstrated that a proposal would not be better situated in a deliverable and available location elsewhere In the District.</p> <p>The addition of criterion (ix) will ensure that any conversion of a nationally or locally listed agricultural or rural building does not negatively affect the quality or integrity of the listed structure. This will ensure areas and buildings of historical interest are preserved.</p>	
MM26	No impact	Does not entail change to policy.	N/A
MM27	No impact	Does not entail change to policy.	N/A
MM28	No impact	This modification will not have a significant effect on the SA score.	N/A
MM29	No impact	Does not entail change to policy.	N/A
MM30	Potential impact	The proposed changes to Policy DM13 will have a greater positive impact on Cultural Heritage because it states more explicitly than the previous version of the Policy that there should be no detrimental impact on the historic environment.	<p>Cultural Heritage ++</p> <p>Balanced Communities ++</p> <p>Accessibility ++</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		The modification performs strongly in comparison to the previous version of the Policy in terms of Balanced Communities and in terms of Accessibility. It sets specific requirements ensuring that conversions are well related to a defined residential settlement, local services and facilities and is located in the SECT landscape character area, which improves the Policy's performance against Balanced Communities. It also sets requirements that conversions are well related to the strategic road network, will promote sustainable transport modes and that they would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment.	
MM31	No impact	This modification will not have a significant effect on the SA score.	N/A
MM32	No impact	Does not entail change to policy.	N/A
MM33	No impact	Does not entail change to policy.	N/A
MM34	No impact	Does not entail change to policy.	N/A
MM35	No impact	Does not entail change to policy.	N/A
MM36	No impact	This modification will not have a significant effect on the SA score.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
MM37	No impact	This modification will not have a significant effect on the SA score.	N/A
MM38	Potential impact	<p>The modification of criterion (i) of Policy DM16 make it clear that the replacement of lost playing fields is considered acceptable by the Council.</p> <p>This is likely to have an even greater positive effect on Balanced Communities than the previous version of the Policy as it will ensure that the needs of the wider community are met and that lost playing fields are reinstated.</p> <p>The modified Policy will also have a greater effect on Healthy and Safe Communities as it will improve the provision of playing pitches in the district by encouraging the reuse of sites that had previously been lost. This will promote informal recreation and encourage healthy, active lifestyles.</p>	<p>Balanced Communities ++</p> <p>Healthy and Safe Communities ++</p>
MM39	Potential impact	The addition to Policy DM19 which states that 'applications for stationing of mobile homes for agricultural workers in the Green Belt and wider countryside will be permitted provided it can be demonstrated that any mobile home will be located outside Flood Zone 3, and will only be located in Flood Zone 2 where it is shown to pass the Sequential and Exception Tests and is supported by a site-specific Flood Risk Assessment', will have a positive effect in terms of Healthy and Safe	<p>Healthy and Safe Communities ++</p> <p>Climate Change and Energy ++</p>

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		Communities by ensuring that mobile homes are not located in areas at unreasonably high risk of flooding. The modification will also have a minor positive impact in terms of climate change and energy. It will help to mitigate the impact of climate change by ensuring that development does not occur in high risk areas but will also ensure that where applications are made for development in lower risk areas there is an appropriate assessment of the risk involved.	
MM40	No impact	This modification will not have a significant effect on the SA score.	N/A
MM41	No impact	This modification will not have a significant effect on the SA score.	N/A
MM42	No impact	Does not entail change to policy.	N/A
MM43	No impact	This modification will not have a significant effect on the SA score.	N/A
MM44	No impact	Does not entail change to policy.	N/A
MM45	Potential impact	This modification, removing the criterion that the use of the building to be replaced be retained or be changed to one which is more appropriate in the Green Belt, will have a potentially nominal negative	Land and Soil 0/? Housing ++

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		<p>impact on land and soil as it may lead to applications that would be better placed on brownfield and other non-Green Belt locations.</p> <p>The change to the Policy may have a slightly stronger impact on housing than the previous Policy as it now has greater potential to provide more housing.</p> <p>The modified Policy will provide less certainty regarding the impact on landscape and townscape because it may allow the replacement of a building with one which is less appropriate in the Green Belt.</p>	Landscape and Townscape +/-?
MM46	No impact	Does not entail change to policy.	N/A
MM47	No impact	Does not entail change to policy.	N/A
MM48	No impact	Does not entail change to policy.	N/A
MM49	No impact	Does not entail change to policy.	N/A
MM50	No impact	This modification will not have a significant effect on the SA score.	N/A
MM51	No impact	Does not entail change to policy.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
MM52	No impact	Does not entail change to policy.	N/A
MM53	No impact	Does not entail change to policy.	N/A
MM54	No impact	This modification will not have a significant effect on the SA score.	N/A
MM55	Potential impact	The modification to Policy DM33 will have a stronger positive impact with regards to Balanced Communities as it will ensure that employment uses will not detract from the primary residential function of the area. The modification also ensures that dwellings are not at risk of falling below the minimum floor space requirement set out in Policy DM4. This will ensure that dwellings continue to be fit for their primarily residential use.	Balanced communities ++
MM56	No impact	Does not entail change to policy.	N/A
MM57	No impact	This modification will not have a significant effect on the SA score.	N/A
MM58	No impact	This modification will not have a significant effect on the SA score.	N/A
MM59	Potential impact	This modification to Policy DM36 may have a potentially greater positive impact on housing when compared to the previous iteration of the policy. The modification sets several additional criteria	Housing ++

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
		which will ensure that, where appropriate and justifiable, the Policy encourages the change of non-retail units to residential use will be sustainable and well related to key services.	
AM1	No impact	Does not entail change to policy.	N/A
AM2	No impact	Does not entail change to policy.	N/A
AM3	No impact	Does not entail change to policy.	N/A
AM4	No impact	Does not entail change to policy.	N/A
AM5	No impact	Does not entail change to policy.	N/A
AM6	No impact	Does not entail change to policy.	N/A
AM7	No impact	Does not entail change to policy.	N/A
AM8	No impact	Does not entail change to policy.	N/A
AM9	No impact	Does not entail change to policy.	N/A
AM10	No impact	Does not entail change to policy.	N/A
AM11	No impact	Does not entail change to policy.	N/A
AM12	No impact	Does not entail change to policy.	N/A
AM13	No impact	Does not entail change to policy.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
AM14	No impact	Does not entail change to policy.	N/A
AM15	No impact	Does not entail change to policy.	N/A
AM16	No impact	Does not entail change to policy.	N/A
AM17	No impact	Does not entail change to policy.	N/A
AM18	No impact	Does not entail change to policy.	N/A
AM19	No impact	Does not entail change to policy.	N/A
AM20	No impact	Does not entail change to policy.	N/A
AM21	No impact	Does not entail change to policy.	N/A
AM22	No impact	Does not entail change to policy.	N/A
AM23	No impact	Does not entail change to policy.	N/A
AM24	No impact	Does not entail change to policy.	N/A
AM25	No impact	Does not entail change to policy.	N/A
AM26	No impact	Does not entail change to policy.	N/A
AM27	No impact	Does not entail change to policy.	N/A
AM28	No impact	Does not entail change to policy.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
AM29	No impact	Does not entail change to policy.	N/A
AM30	No impact	Does not entail change to policy.	N/A
AM31	No impact	Does not entail change to policy.	N/A
AM32	No impact	Does not entail change to policy.	N/A
AM33	No impact	Does not entail change to policy.	N/A
AM34	No impact	Does not entail change to policy.	N/A
AM35	No impact	Does not entail change to policy.	N/A
AM36	No impact	Does not entail change to policy.	N/A
AM37	No impact	Does not entail change to policy.	N/A
AM38	No impact	Does not entail change to policy.	N/A
AM39	No impact	Does not entail change to policy.	N/A
AM40	No impact	Does not entail change to policy.	N/A
AM41	No impact	Does not entail change to policy.	N/A
AM42	No impact	Does not entail change to policy.	N/A

Rochford District Council – Development Management Examination: Proposed Schedule of Modifications Sustainability Appraisal

Modification	Impact	Commentary	Score
AM43	No impact	Does not entail change to policy.	N/A
AM44	No impact	Does not entail change to policy.	N/A