



PLANNING APPLICATIONS WEEKLY LIST NO.1761
Week Ending 13th June 2025

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 26th June 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **18th June 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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Application No :	24/00757/FUL Zoning : Metropolitan Green Belt, Coastal Protection Belt.
Case Officer	Mr Thomas Byford
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	Brandy Hole Yacht Club, Kingsmans Farm Road, Hullbridge.
Proposal :	Application for the change of use of the former Brandy Hole Yacht Club (Sui Generis) to Residential (C3) Use to form 3 No. dwellings including alteration and extensions and the formation of allocated car parking provision and provision of a central landscaped area in the location previously granted consent as a car park under application reference 17/00750/FUL.

SITE AND PROPOSAL

1. The application site is Brandy Hole Yacht Club, which lies just south of the River Crouch off Kingsman Farm Road, Hullbridge. Prior to the recent demolition, the site to the east, west and south of the yacht club housed a number of holiday chalets. Permission was granted by the local planning authority to demolish these with dwellings being constructed in their place (Ref: 17/00750/FUL). It is noted that there have since been some small revisions to that scheme under application references 24/00230/NMA and 24/00126/FUL.
2. The existing yacht club building is a two-storey building, traditional in its design and form. The site features a deck area at the rear as well as large storage areas under the deck.
3. The proposal involves a conversion of the existing building to a residential use which would be designed to be in keeping with the design of the surrounding approved dwellings. The proposal would retain the existing footprint of the existing building, although there would be a slight alteration in roof form design.
4. A large central landscaped area is proposed to replace the yacht club car parking area, sited just south of the building subject to this application. This area would incorporate a SUDS pond, green space, pedestrian walkways and seating areas.
5. The site is at high risk of flooding from rivers and the sea, falling within Flood Zone 3 as identified by the Environment Agency (EA) flood risk maps for planning. Flooding considerations will be discussed further below.

RELEVANT PLANNING HISTORY

6. Application No. 89/01002/FUL - VARIATION OF CONDITION TO INCREASE CARAVAN SITES FROM 6 TO 10 – Permitted.
7. Application No. 92/00166/FUL - Two Storey Side Extension – Refused.
8. Application No. 02/00099/FUL - Erection Of First Floor Extension (To Be Supported On Piers) Comprising Disabled Toilet, Gents Toilet And Rest Room. – Refused.
9. Application No. 03/00263/FUL - Erection Of First Floor Extension (To Be Supported On Piers)Comprising Disabled Toilets And Changing Room – Permitted.
10. Application No. 11/00375/FUL - Alterations to Clubhouse Building to Provide Extension to Deck Incorporating Disabled Ramp Access, Construct Lock-up Stores Beneath Deck Area, Install Solar Panels to South Roof Slope and Infill to Ground Floor. – Permitted.
11. Application No. 12/00293/FUL - Remove Existing Chalets and Caravans and Construct 14 No. Raised Holiday Chalets and Revised Car Parking Layout. – Refused.
12. Application No. 13/00255/FUL - Remove Existing Chalets and Caravans and Construct 14 No. Raised Holiday Chalets and Revised Car Parking Layout. – Permitted.
13. Application No. 17/00043/FUL - Removal of Existing Chalets and Hardstanding Bases and Provision of New Hardstanding Bases for Caravans – Permitted.
14. Application No. 17/00750/FUL - Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings – Permitted.
15. Application No. 21/00659/DOC - Discharge of condition 9 on application 17/00750/FUL - (revised siting to achieve 7m clear sea defence maintenance zone) to permission granted on 16th January 2019 under application ref: 17/00750/FUL for 14 No. two bedroom dwellings – Discharged.
16. Application No. 21/00784/NMA - Non-material amendment to approved application ref: 17/00750/FUL to allow for a layout alteration, internal and external dwelling layout changes, elevation alterations and to vary condition 3 (approved plans) – Permitted.
17. Application No. 21/01229/NMA - Non-material amendment to approved application ref: 17/00750/FUL to allow for internal and external changes and revisions to the elevational treatment and to vary condition 3

(Approved Plans) to reflect the proposed changes with condition 3 to read 'The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below; Drawing numbers: 0007 (proposed site plan) , 0130 (proposed floor plans type 3), 0140 (proposed floor plans type 4), 0150 (proposed floor plans type 5), 0160 (proposed floor plans type 6), 0230 (proposed elevations type 3), 0240 (proposed elevations type 4), 0250 (proposed elevations type 5) and 0260 (proposed elevations type 6). REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.' – Permitted.

18. Application No. 22/00312/DOC - Discharge of Condition(s) 5 (Surface water drainage), 6 (surfaced water runoff pollution), 7 (Surface water drainage frequencies) of Planning Consent Ref. 17/00750/FUL: Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings – Discharged.
19. Application No. 22/01208/NMA - Non-material amendment following approved application 17/00750/FUL: Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings – Permitted.
20. Application No. 24/00126/FUL - Variation of condition no. 3 (approved plans) pursuant to planning permission ref. 17/00750/FUL (Demolition of Existing Holiday Home Caravans and Erect 14 no. Raised Dwellings) to allow for changes relating to design (appearance and scale), layout, and landscaping in respect of plots 7, 8, and 14 and to list amended plans already approved under Non-Material Amendment applications referenced 21/01229/NMA, 21/00784/NMA, and 22/01208/NMA. – Permitted.
21. Application No. 24/00230/NMA - Proposed non-material amendment to change the description of development from 'Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings' to 'Demolition of Existing Holiday Home Caravans and Erect 14no. Raised Dwellings.' – Permitted.

MATERIAL PLANNING CONSIDERATIONS

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

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

Green Belt considerations

24. Section 13 of the National Planning Policy Framework (2024) (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of circumstances including extensions to existing buildings that are not disproportionate. Development that does not fall to be considered under one of these categories will be considered inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. In this case, with the existing footprint of the building sought to be retained, with no extensions proposed apart from a redesign of the existing roof form, it is not considered that the proposal would have a significant impact on the openness of the Green Belt. Much of the local and national guidance looks at the impacts of new buildings or replacement buildings on the openness of the Green Belt. With the proposal being a change of use application, it is therefore considered that the impact on the Green Belt would be minimal and the proposal would not lead to significant urban sprawl and would retain the key Green Belt characteristics. There is however local policy that looks specifically at the reuse of buildings in the Green Belt as well as key Policies such as CP1 and DM1 are discussed below.
26. Policy DM13 of the Rochford Council Development Management Plan is considered of significant relevance. This Policy relates to the conversion of existing agricultural and rural buildings in the Green Belt. An assessment of the proposed scheme's compliance with this policy has been included below.

Policy DM13 states that the reuse and adaption of existing agricultural and rural buildings will be supported provided that:

- (i) *The application relates to an existing building of permanent and substantial construction*

The building is of permanent and substantial construction

- (ii) The proposed use would not introduce additional activity or traffic movement likely to materially adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network.*

The proposed scheme for three dwellings to replace the existing yacht club use is considered to be a net reduction in relation to traffic movements to the site. The existing yacht club has a large central area for parking and the movements of cars from three properties would be considered acceptable in this context. Although part (ii) looks at whether these would impact openness of the Green Belt, it is considered that with the site surrounded and in close proximity to other residential dwellings, which are under construction, that the traffic movements of the occupants of the proposed dwellings, were a scheme to be approved, would not have a material impact on the openness of the Green Belt.

- (iii) The proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.*

The proposal would utilise the existing footprint of the building only and there are no extensions proposed that would increase this footprint. It is noted that roof alterations are proposed, however these are still considered within the existing footprint and in any case these would be considered modest and proportionate taking into account the size and footprint of the existing building which is of significant scale.

- (iv) The proposal would not have an undue impact on residential amenity.*

Impacts of the scheme on residential amenity will be outlined in a separate section later in the report.

- (v) There would be no detrimental impact on nature conservation or historic environment interests*

The building subject of this application is not listed, nor is the application site within a conservation area.

- (vi) Where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:*
- (a) Not negatively impact on the quality and significance of the listed structure; and*
 - (b) Not affect the integrity of the existing structure. A structural engineers report should accompany any application for the conversion of a listed building.*

The application site is not nationally or locally listed.

- (vii) *The conversion of existing agricultural and rural buildings for residential uses will be permitted provided that the proposal:*
- (a) Is well related to a defined residential settlement;*
 - (b) Is well related to local services and facilities;*
 - (c) Has good connections to the strategic road network;*
 - (d) Would promote sustainable transport modes;*
 - (e) Would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; and*
 - (f) Is located within the South Essex Coastal Towns landscape character area.*

Taking into account the above criteria, it is considered that the scheme for the conversion of the existing building would be compliant with part (vii). The building subject to this application is in close proximity to a cluster of dwellings currently under construction and for this reason would be appropriate in this context.

27. The Local Planning Authority does not have any local policies relating to the protection of commercial businesses in this specific area. It is therefore considered that the change of use of the building is a suitable use of the existing building, taking into account the already approved surrounding dwellings under construction.

28. The proposal overall is considered compliant with Policy DM13 of the Rochford Council Development Management Plan.

Impact on Character

29. Core Strategy Policy CP1 and Policy DM1 of the Development Management Plan (DMP) both seek to promote high quality design that would promote the character of the locality.

30. In relation to Policy CP1 and DM1, the building would be finished in materials to compliment the materials being used in the construction of the neighbouring dwellings on the site (Ref: 24/00126/FUL). The chosen materials have been selected to allow consistency across the site as a whole with materials used for the facades chosen due to their low maintenance properties in a marine and windswept environ.

31. Although during correspondence with the applicant, the use of dormers were discussed, the alternative option of alterations in the roof form design have been submitted and it is considered that this is an improvement to the scheme, ensuring that the proposed building to serve the dwellings would be in keeping with the design of the site as a whole, taking into account the context.

32. The submitted statement has included a comprehensive landscaping proposal for the area to the south that serves the existing car parking area for the yacht club. This proposed landscaped area is considered

to be a positive addition, providing not only an amenity area for residents of the new dwellings proposed, but also for those living in the approved surrounding dwellings. This area would provide a curved hub for the residents, allowing not only informal seating areas, but landscaping forming a sensory garden, low-level grasses and planter walls. There are no objections to the landscaped area with this considered well design and with the chosen plant species including those for use within the SuDS pond appropriate and pleasant.

33. It is noted that the proposal features parking to the north end of this landscaped area for the dwellings proposed. Some landscaping is proposed surrounding this parking area to soften its impact and to reduce disturbances and the impact on amenity.
34. Overall, the design is considered appropriate, and the materials proposed to match the approved surrounding dwellings would be welcomed to encourage consistency throughout the site as a whole.
35. The submitted details in terms of design are considered to comply with Policies CP1 of the Rochford Core Strategy and DM1 of the Rochford Council Development Management Plan.

Impact on Residential Amenity

36. Paragraph 135 f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
37. Due to the siting of the proposed dwellings, it is not considered that the occupants of the dwellings proposed would have issues relating to overlooking, overshadowing or the dwellings being overbearing. The side-by-side arrangement proposed is common within the district in general and although the surrounding dwellings feature an arrangement with a greater degree of irregularity, it is not considered due to the siting the proposed dwellings and the rear elevations facing the north to the river, that the outlooks proposed would lead to harm on adjacent occupiers.
38. Considering the building subject to the change of use is already existing, it is not considered that the use of this building would lead to increased overbearing or overdominance on adjacent occupiers. The roof alterations are not considered so significant that it would cause significant impacts in relation to overdominance or the building being overbearing to refuse the application on these grounds.
39. The dwellings do feature amenity areas on the existing deck for the occupiers. The proposal includes screening between the amenity areas

which is appropriate in the setting whilst also providing a level of privacy for the adjoining plots. It is considered reasonable to condition further details of this screening and a retention of this screening in perpetuity to ensure the long-term privacy of occupiers.

40. All other outlooks from the proposed dwellings either look to the north to the river or are at such angle and distances by virtue of orientation and layout of the proposed site as to not cause significant overlooking between dwellings.

Flood Risk considerations

41. The Environment Agency Flooding Maps show the application site is Flood Zone 3 with a high risk of flooding. In this case, the nature of the scheme is important as to whether the proposal would be acceptable in flood risk terms. The National Standing Advice (2024) states that a development would be exempt from the sequential test if the development is a change of use application. With the scheme being a change of use application with no increase in footprint proposed, the scheme would not need to pass the sequential test.
42. Paragraph 181 of the NPPF states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
43. The NPPF does give specific comment to the flood risk issues which could be raised by changes of use. The NPPF states that it is for the applicant to show that the change of use meets the objectives of the framework's policy on flood risk. It states this would include information as to how the operation of any mitigation measures can be

safeguarded and maintained effectively through the lifetime of the development.

44. The NPPF goes on to state that:

‘Changes of use can increase the vulnerability of the development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding. Older existing properties may not previously have been subject to a flood risk assessment and appropriate mitigation measures, or the nature or severity of the flood risk may have changed over time, requiring more appropriate mitigation. Even if a development’s vulnerability is not increasing, change of use can often present an opportunity to improve the flood resilience of existing development.’ It is therefore considered that the above is considered carefully and within the flood risk assessment submitted with a planning application.

45. The National Standing Advice (2024) states that: the Environment Agency (EA) should be consulted if the proposed development (including a change of use application) is within 20 metres of a main river.

46. A site-specific flood risk assessment has been submitted with this application. This has later been revised, understood to make alterations in terms of the finished floor levels. The Environment Agency have been consulted on the revisions within this assessment and have considered the proposal acceptable in flood risk terms. The response from the EA however does include the below comments:

‘Flood Response/Evacuation Plan has not yet been provided as a standalone document however FRA (PDF) pages 49-51, details some emergency planning information including details of flood warning and evacuation. It is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood. Whilst we do not object on this point, we recommend the applicant develops a more detailed and standalone flood response plan and evacuation plan to best manage the risks to the occupiers/users of the development.’

47. After correspondence with the applicant, the applicant states that the development has been designed to provide refuge above the predicted flood levels. The proposal includes measures to make the building structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water, as per the requirements of paragraph 005 of the Planning Practice Guidance (PPG). The Environment Agency have however requested that supporting information and calculations are submitted to the Local Planning Authority to provide certainty that the buildings will be constructed to withstand these water pressures. It is the applicants view that this can also be secured by way of planning condition.

48. The site also has a risk of surface water flooding according to the Environment Agency Flood Risk maps. A drainage plan has been submitted with the application which includes details on how the risk of surface water flooding would be mitigated on the site.

Refuse and Waste Storage

49. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide).
50. The submitted floor plans show large storage areas on the ground floor which would be suitable for the storage of refuse bins.

Technical Housing Standards

51. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
52. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
53. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
54. An assessment as to whether both options meet the technical space standards has been included below:

Unit 1: The unit would be a 2 bedroom, 4 person dwelling.

This would require a GIA of 79m² and 2.5m² of built in storage. The unit would meet the space standards for this size of dwelling.

Unit 2: The unit would be a 2 bedroom, 4 person dwelling.

This would require a GIA of 79m² and 2.5m² of built in storage. The unit would meet the space standards for this size of dwelling.

Unit 3: The unit would be a 3 bedroom, 6 person dwelling.

This would require a GIA of 108m² and 2.5m² of built in storage. The unit would meet the space standards for this size of dwelling.

Ecology and Trees

55. Mitigation is required for all development proposals where a net increase in dwellings would result in respect of impacts on the districts coastal areas which are subject to international ecological designations. This is set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy - Supplementary Planning Document (SPD) May 2020.
56. A contribution of £163.86 per dwelling has been paid with the submission of the planning application.
57. Natural England have been consulted on the application and have requested a Habitat Regulations Assessment be submitted. After submission and reconsultation, it is considered that the RAMS contribution is adequate to successfully mitigate the impact on the Environment. Natural England have therefore raised no objection to the proposal.
58. Natural England have recommended that a Construction Environmental Management Plan is required as the application site lies immediately adjacent to protected sites, the creation of a CEMP would provide reassurance that best practice construction methods are being used in order to minimise any potential harmful effects of dust, fuel leakage, excessive noise or light pollution. The timing of works should avoid the winter and breeding periods critical for designated feature birds. Access tracks, machinery and materials must not be stored within the SPA boundary at any time. This is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) and Natural England should be notified of the permission and the terms on which the condition is to be granted and how, and if at all, the authority has taken account of Natural England's advice. The submission of CEMP will be conditioned prior to development. This has been agreed by the developer.
59. There are no significant trees or trees subject to Tree Preservation Orders on or close to the site that would be impacted by the development.

Impact on the Grade II listed Tapps Cottage.

60. To the south of the application building, to the opposite side of Kingsmans Farm Road, is the Grade II listed Tapps Cottage (List Entry Number: 1112671); a seventeenth century timber framed dwelling with gabled dormers and a central red brick chimney stack. Accordingly, the principal consideration is the indirect impact on this heritage asset arising from change within its setting.
61. Essex County Council Place Services Historic Buildings have been consulted with the application. It is considered that given that the building is already present, and due to the nature and scale of the proposed development, it is considered that the proposed changes would not adversely impact upon the significance of the Grade II listed Tapps Cottage due to change within its setting.
62. In conclusion, the significance of the listed building would be preserved. This would be in accordance with Section 16 of the NPPF.

Garden Sizes

63. The proposal would result in Unit 1 and 2 which are both two bedroomed properties having garden areas exceeding 50m². Unit 3 has a larger amenity space exceeding 100m². It is also noted that all three dwellings have access to a shared amenity space to the north which is approximately 39.3m² as well as the use of the central landscaped area to the site. It is therefore considered that combined, these dwellings would have large enough and suitable amenity spaces to serve the needs of future occupiers of the dwellings proposed.
64. Overall, it is considered that with the shared spaces to the north and to the landscaped area where the existing car park is sited, all the proposed dwellings with both proposed options would have suitable garden and amenity spaces to serve the dwellings proposed.

Highway Safety

65. The Council has recently adopted the Essex Parking Guidance (2024), which now supersedes the previous 2009 guidance for Rochford.
66. The proposed dwellings are considered to be in an area of low connectivity.
67. The guidance states that parking spaces for residential dwellings should be of an area of 5.5m deep x 2.9m wide. Garage spaces should be 7m deep x 3m wide.
68. The proposal would use the existing access and roads approved under (Ref: 24/00126/FUL).
69. The proposal seeks to utilise some parking at ground floor. Unit 1 would have a garage, and an additional allocated space to the north of

the central landscaped area. It is noted however that this garage space does not meet the 7m x 3m required by the Essex Parking Guidance (2024) and is significantly smaller in size.

70. Upon correspondence with the applicant, an additional parking space has been added to the landscaped area so that both (two) of the parking spaces required for Unit 1 would be included here. It is not considered that a re - consultation was necessary, taking into account the minimal change. Although of course this garage may be used by the occupiers once constructed, it cannot constitute a parking bay as per the guidance.
71. Unit 2 would also require two bays within the central area, with a lack of parking at ground floor.
72. Unit 3 is able to accommodate both parking spaces meeting the 5.5m x 2.9m requirement at ground floor and does not require the central area for part of its parking arrangement.
73. The parking requirements also requires 0.25 visitor spaces per dwelling. As there are 3 dwellings this would require 0.75 spaces. As this has crossed the 0.5 threshold, it is considered that the development should provide one visitor bay.
74. The proposed central parking area is shown on the submitted plans to incorporate 5 parking bays, each meeting the 5.5m x 2.9m requirement. This would include, two bays for Unit 1, two bays for Unit 2 and a visitor's bay. This is considered acceptable.
75. It is considered that the parking arrangement would be not be detrimental to Highway Safety and would comply with Policies DM1 and DM30 of the Development Management Plan.

Biodiversity Net Gain

76. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
77. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase

can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

78. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and get the condition discharged prior to commencement of the development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
79. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
80. Taking into account that the application involves a change of use, with no increase in building footprint, the area of habitat affected would be under 25m². This would therefore mean that the proposal would be exempt from BNG, with this being de minimis. Officers agree.
81. No BNG information therefore is required to be submitted.

Other Matters

82. It is noted there were revisions planned to the scheme to increase the ridge height of the building in order to achieve slightly more headroom taking into account the raised finished floor levels. It is however considered that this may have required a consultation, and a further delay in the application. The applicant has therefore decided to keep the ridge height as originally planned and submitted and if needed in the future, address this under a separate Section 73 application. In this case, because the ridge height proposed has not been altered from its original submission, a re - consultation was not necessary.

Equalities and Diversity Implications

83. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.

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

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

CONCLUSION

APPROVE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: Objection due to the lack of parking for visitors. Request for an additional 8 visitor parking spaces.

Neighbour representations: No comments received.

Natural England: No objections.

Environment Agency: No objections.

Essex County Council Place Services Historic Buildings: No objections.

Relevant Development Plan Policies:

- National Planning Policy Framework (2024)
- Core Strategy Adopted Version (December 2011) - Policies CP1, H1, T1, T8.
- Development Management Plan (December 2014) – Policies DM1, DM2, DM3, DM4, DM13, DM25, DM27, DM30.
- Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).
- Supplementary Planning Document 2 (January 2007) – Housing Design.
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy – Supplementary Planning Document (SPD) May 2020.
- The Essex Design Guide.
- National Standing Advice.

- Wildlife and Countryside Act 1981 (as amended).

RECOMMENDATION: APPROVE

Conditions

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

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

2. The development shall be undertaken in strict accordance with the plans referenced:

642-CDA-AZ-XX-DR-A-00-0002-REV 1-OS PL-Location Plan

642-CDA-AZ-XX-DR-A-01-0013-REV 0-Consented Site Plan

642-CDA-Z1-XX-DR-A-03-1000-REV 5-Landscape Plan

642-CDA-XX-XX-DR-A-20-0018-REV 2-Proposed Site Plan

642-CDA-1Z-00-DR-A-05-0100-REV 5-Proposed GF plan

642-CDA-1Z-01-DR-A-05-0101-REV 3-Proposed First Floor plan

642-CDA-1Z-02-DR-A-05-0102-REV 4-Proposed Second Floor Plan

642-CDA-1Z-03-DR-A-05-0103-REV 2-Proposed Roof Plan

642-CDA-AZ-ZZ-DR-A-05-0202-REV 3-Proposed South Elevation

642-CDA-AZ-ZZ-DR-A-05-0203-REV 3-Proposed East Elevation

642-CDA-AZ-ZZ-DR-A-05-0204-REV 2-Proposed West Elevation

642-CDA-AZ-ZZ-DR-A-05-0205-REV 2-Proposed North Elevation

642-CDA-AZ-ZZ-DR-A-05-0206-REV 3-Proposed Street Elevation

642-CDA-AZ-XX-DR-A-01-0200-REV 2 – Existing Yacht Club Elevations 1 of 2

642-CDA-AZ-XX-DR-A-01-0201-REV 2 – Existing Yacht Club Elevations 2 of 2

642-CDA-AZ-1Z-DR-A-02-0101 REV 1 – Level 1 Demolition Plan.

642-CDA-AZ-1Z-DR-A-02-0100 REV 1 – Level 00 Demolition Plan.

642-CDA-AZ-00-DR-A-01-0101 REV 1 – Existing Yacht Club Plan Lev 01

642-CDA-AZ-00-DR-A-01-0100 REV 2 – Existing Yacht Club Plan Lev 00

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with details considered as part of the application.

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

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

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

REASON: To ensure continued control over the extent of further building on the site in the interests of the character of the area and the open character of the Metropolitan Green Belt.

5. Prior to occupation, plans and particulars showing precise details of the hard and soft landscaping, to accord with the details shown on plan 642-CDA-Z1-XX-DR-A-03-1000 Rev 5 and species details as shown in Section 9 of the submitted Design and Access Statement, shall be submitted and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, shall include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- tree planting method to include details of soil cells and root protection barriers as required;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections (including level-thresholds) if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- details relating to planting aftercare including long term management.

And shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by

the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

6. Prior to first occupation of the dwellinghouses hereby approved, details relating to the privacy screen between the residential gardens as shown on plan 642-CDA-AZ-ZZ-DR-A-05-0204 Revision 02, shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented in full prior to first occupation and retained for the duration of the development.

REASON: In the interests of privacy and residential amenity between adjacent occupiers, and in compliance with Policy DM1 of the Rochford Council Development Management Plan.

7. Prior to first occupation of the development hereby permitted, the car parking provision as shown as shown on plan 642-CDA-Z1-XX-DR-A-03-1000 Rev 5 shall be provided on the site, with 5 total bays within the central area each measuring 5.5m deep x 2.9m in width. The parking bays shall be demarcated on the ground in contrasting permeable block paving unless otherwise agreed by the Local Planning Authority. The parking spaces for Unit 3 shall also be provided prior to first occupation of the dwelling as shown on plan 642-CDA-1Z-00-DR-A-05-0100 Revision 5. The spaces shall be retained for the use solely for the parking of vehicles in perpetuity thereafter.

REASON: To ensure the site can accommodate the required parking spaces in compliance with the Essex Parking Guidance (2024), in the interests of highway safety and in accordance with policy DM1 and DM30 of the Rochford Council Development Management Plan.

8. Prior to first occupation of the development hereby approved, the details as shown in the surface drainage management plan (drawing number 72896.01 101) dated Jan 2022 shall be installed and implemented in full and thereafter retained and maintained in perpetuity in accordance with the above-mentioned plan, unless otherwise agreed with the Local Planning Authority.

REASON: In the interests of the appearance of the development in the locality and drainage of the site.

9. Prior to first occupation of the dwellings hereby permitted, a stand-alone flood response/evacuation plan considering internal flooding and the risk of flooding to access and egress up to 2.5 metres deep in a design (breach) scenario shall be submitted in writing to the Local Planning Authority.

REASON: To ensure compliance with Paragraph 181 of the National Planning Policy Framework.

10. The whole ground floor for the development hereby permitted, shall not be used for any time as main habitable space including but not limited to use as a study, bedroom or lounge.

REASON: To avoid the risk of harm in event of flooding and ensure compliance with Paragraph 181 of the National Planning Policy Framework.

11. The area within the ground floor as shown on plan 642-CDA-1Z-00-DR-A-05-0100 Revision 05, indicated for refuse and recycling bin storage shall be provided prior to occupation and retained in perpetuity in accordance with the approved plan.

REASON: To ensure compliance with Paragraph 181 of the National Planning Policy Framework.

12. All dwellings shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwellings on site.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

13. Prior to development, a Construction Environmental Management Plan (CEMP) shall be submitted and approved by the Local Planning Authority. The details as agreed shall be implemented in full.

REASON: To ensure compliance under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended).

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

Application No:	24/00901/FUL Zoning: MGB
Case Officer	Ms Julie Ramsey
Parish:	Rawreth Parish Council
Ward:	Downhall And Rawreth
Location:	Shop At View Garden Centre Chelmsford Road Rawreth
Proposal:	New building as an extension to the existing retail garden centre at View Garden Centre.

SITE AND PROPOSAL

The Site

1. The application site is a well-established garden centre situated within the Metropolitan Green Belt. The site occupies a prominent position on the western side of the A1245 south of the junction with Rawreth Lane and north of the Carpenters Arms junction of the A1245 and A129.
2. The Garden Centre covers an area of approximately 1.2 hectares, comprising of a retail garden centre, car park, ancillary retail buildings, a café and an extensive outside retail space. The built form is predominately located along the southern and western side of the site, with the outside and covered display areas located in the central/northern part of the site and to the rear of the main retail building. Immediately to the west of the site is the curtilage of Witherdens Farm which is a grade II listed building.

The Proposal

3. The application seeks planning permission for a single storey extension to the western end of the main retail area building. The extension would be made up of a pitched roofed retail area measuring 16.6m wide, 13.6m deep and with a maximum height of 6m. To the north of the new retail area building, attached is a small flat roofed toilet block measuring 8m deep, 5.5m wide and 2.8m high. In total the development would add an additional 228m² of floor space to the garden centre.
4. The proposed materials are black Hardi plank cladding with black metal cladding to the roof and uPVC windows and doors. The proposed materials are considered to harmonise well with the other buildings on site.

RELEVANT PLANNING HISTORY

5. Application No. ROC/00089/83 – Original consent (granted on appeal) for the change of use to a garden centre/nursery. Personal condition and temporary consent for only 5 years.
6. Application No. F/0011/91/ROC- continued use as a garden centre and retention of greenhouses and outbuildings F/517/91/ROC – Single storey extension to the front and west of the retail shop (permission granted).
7. Application No. F/0329/94/ROC – Tearoom and toilets to the north of the site (permission granted).
8. Application No. OL/0055/96/ROC – Two buildings to replace an existing greenhouse and various structures located to the east of the barn (permission granted).
9. Application No. 05/00500/FUL – Single storey pitched roof side extension to existing retail building (permission granted).
10. Application No. 09/00751/FUL – Change of use of part of the site to provide an extension to the garden centre, to provide an improved access for service vehicles to the rear, a loading area, an access track to the site perimeter and to retain hard the landscaping area. (Application refused).
11. Application No. 10/00363/TIME - Application to Extend Time Limit for Implementation of Planning Approval.
12. Application No. 05/00500/FUL Single Storey Pitched Roofed Side Extension to Existing Retail Building. Approved on 9th August 2005 (Permission granted).
13. Application No. 10/00555/FUL - Change Use of Part of Site to Provide Extension to Garden Centre, Provide Improved Access for Service Vehicles at Rear, Replacement Office and Plant Room, Secure Container Storage, Access Track to Perimeter of Site, Retention of Hard Landscaping Area, Extension of Outdoor Sales Area and Resurfacing of Car Parking Area and Provide Boundary Fencing (Permission granted).
14. Application No. 20/00190/FUL Erection of new building to extend retail sales area at View Gardens garden centre: Planning Permission Granted 16.04.2020.
15. Application No. 20/01163/FUL: Application for removal of condition no 4 (BREEAM) of planning approval 20/00190/FUL for 'Erection of new building to extend retail sales area at View Gardens garden centre. Application Permitted 21.4.2021.

16. Application No. 22/00856/FUL: Application for erection of extension to approved retail sales area at View Gardens garden centre: Planning Permission Granted 14.12.2022.
17. Application No. 24/00317/FUL: Application for Installation of 2 no. electric charge point for electric vehicles EVs only and 1 no. feeder pillar. Planning Permission Granted 26.06.24.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt Considerations: The Principle of Development and the Metropolitan Green Belt

20. The application site is located within the Metropolitan Green Belt as identified in the Rochford District Council's Allocations Plan. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
21. Paragraph 154 of the National Planning Policy Framework (2024) (as amended) (NPPF) maintains that development in the Green Belt is inappropriate unless one of a list of exceptions apply. Point (c) of this list of exceptions states 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
22. Policy GB1 states that the Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt
23. The proposed extension is considered to be a small-scale addition to the garden centre, given the size and scale of the existing business on the site. Therefore, the proposal is considered to fall within the realms of exception (c).

24. Whilst the site has undertaken previous extensions in 2020 and 2022, these were similar small-scale additions to the main building and were considered to be acceptable. The extension proposed is of a similar size and scale to the previous additions and would extend the existing retail space at the site by approximately 6.1% and re-locate the toilets to a more accessible location. Therefore, the development is not considered to constitute inappropriate development within the Green Belt.
25. The new building has been purposely positioned in an underutilised corner of the site, at the rear of the main buildings and would therefore have limited visibility within the wider area. It is proposed to replace two portacabins on site and is overall considered to improve the appearance of this area of the site and is not deemed considered to improve the appearance of this area of the site and is not deemed result in material harm to the openness of the Green Belt. Therefore, the development is considered to be policy compliant in this regard.

Economic Considerations.

26. Chapter 6 of the NPPF (Building a strong, competitive economy), at paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
27. Policy DM11, is concerned with existing businesses in the Green Belt and outlines the Council's support for existing lawfully established businesses in the Green Belt, allowing amongst other things, extensions to existing business premises subject to the following:
- (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 environment, the best and most versatile agricultural land or residential amenity;
 - (ii) the availability of suitable vacant units on the site/close to the business in question;
 - (iii) where an extension is proposed it would not result in a disproportionate increase in gross floorspace over that of the original building;
 - (iv) where a replacement is proposed it would not be materially larger than the one it replaces;
 - (v) the development has been designed to minimise impact on the character, appearance and openness of the Green Belt;

- (vi) the scale, design and materials of the original building is respected;
- (vii) the development would not undermine town centre regeneration;
- (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
- (ix) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:
 - (a) not negatively impact on the quality of the listed structure; and
 - (b) not affect the integrity of the existing structure.

A structural engineers report should accompany any application for conversion of a Listed Building.

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.

28. The submitted Design and Access statement acknowledges that *'this proposal is crucial for the business's growth, facilitating improvements to the retail area layout and enhancing the overall shopping experience for customers. Relocating the toilets closer to the main retail area and restaurant will further improve convenience, enabling the business to accommodate more customers, elongate each shopping experience and encourage repeat visits.*
29. The proposed extension is considered to comply with the criteria outlined in Policy DM11 above and is therefore considered to be acceptable and in line with relevant policies that encourage economic growth and the expansion of local businesses.

Flood Risk

30. A flood risk assessment has been submitted with the application as the outer southern edge of the site is located within Flood Zone 2 and there is a risk of surface water flooding within the site. Given that most of the garden centre site is located within Flood Zone 1, which has the lowest risk of flooding and the overall small-scale nature of the extension, it is not considered that the development and the additional floorspace would increase flood risk in this location.
31. As the site has a relatively high risk of surface water flooding, the flood risk assessment outlines the intention to build the extension utilising

flood resilience and resistant methods that are proportionate to the nature and scale of the extension. This can be secured by way of a condition to the planning consent. Therefore, the development is considered to be policy compliant in this regard.

Impact upon residential amenity, including the adjoining Grade II Listed Building.

32. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
33. Witherdens Farm, the nearest residential property is located approximately 55m from the proposed development to the west. The property is a Grade II Listed Building. The site is heavily screened from this neighbouring dwelling by mature vegetation and trees and as such it is not considered that the proposed development would significantly impact on the residential amenities of this neighbour, with regards to overlooking or overshadowing or result in harm to the setting of the Listed Building. Essex County Council Place Services have been consulted on this application and have no objection to the proposal.
34. The operation of the garden centre would retain its existing opening hours, Monday to Saturdays 09:00 to 17:00 and Sunday and Bank Holidays 10:00 to 16:00. These opening hours would be for the retail area as well as the café. It is not considered that there would be an increase in noise and disturbance caused by the development.

Highways and Parking

35. Essex County Council Parking Guidance (ECCPG) (2024) (page 73) requires that Garden Centres' provide off-street parking in the range of one space per 50m² (retail area covered and uncovered).
36. Policy DM1 requires development to provide sufficient car parking and Policy DM30 aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
37. The site comprises of covered and uncovered retail areas of approximately 5000m² (including the proposed development). Therefore, the site would require around 100 parking spaces.
38. The existing garden centre has a large car parking area running along the full depth of the southern side of the wider site, which measures 112m x 18m. The car park is not formally laid out with marked bays,

however it is considered that the car park area can accommodate the policy required parking spaces.

39. The existing access and egress arrangements into and out of the site are to remain unaltered. Furthermore, Essex County Council Highways Authority have reviewed the submitted information and state have no objections to the proposal and subsequently there is no detrimental impact on highway safety.

Biodiversity Net Gain

40. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
41. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit, assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets the exemption criteria, i.e., relating to de-minimis development. The applicant has not therefore been required to provide any BNG information.
42. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning condition to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

EQUALITIES AND DIVERSITY IMPLICATIONS

43. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
44. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity

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

CONCLUSION

The proposed extension is of a small-scale nature, located to the rear of the main building. The development would replace a number of existing containers and portacabins and thus is seen to improve the appearance of the site. Given its location to the rear of the main building, it is not considered that the proposal would have a detrimental impact on the openness of the Green Belt and is compliant with the requirements of DM11. There are no identified detrimental impacts nor conflict with policy requirements. Therefore the development is considered to be sustainable and policy compliant in all regards and the application is recommended for Approval.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council - No response recorded.

Essex County Council Highways – The existing car park is retained and therefore the proposal accords with the Highway Authority's Development Management policies, DM1, DM2, DM3, DM4, DM8 and DM9

Essex County Council Place Services – Built Heritage Advice

To the west of the garden centre is the Grade II listed Witherden's Farm (List Entry Number: 1147868); a timber framed and plastered cottage dating from the eighteenth century. No objection has been raised due to the small scale nature of the development and the dense vegetation and mature trees which separate Witherden's Farm from the garden centre.

Relevant Development Plan Policies:

National Planning Policy Framework 2024 (Amended 7 February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – Policies CP1, GB1, ENV3, ENV 10.

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – Policies DM1, DM11, DM25, DM27, DM30.

Essex Parking Guidance (2024).

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development hereby permitted shall be carried out in complete accordance with the following approved plan(s): J793/01 – Location and Proposed Site Plan, J793/03 Rev A – Proposed plans and Elevations

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and/or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: In order to ensure that the development harmonises with the character and appearance of the existing building, in the interests of visual amenity.

4. The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Dr Robin Saunders CEng Innervision Design Ltd dated February 2025 in regard to flood resilient and flood resistant measures to be incorporated into the development.

REASON: To ensure the ability of the approved buildings to withstand the effects of flooding in the interest of the safety of the users of the site.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.

Application No :	25/00315/FUL Zoning : Rayleigh Town Centre
Case Officer	Mr Luke Rigby
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	48 Eastwood Road Rayleigh Essex
Proposal :	<p>Change of use of ground floor vacant shop (Use Class E) to a mixed dessert and jacket potato takeaway shop (Sui Generis). Fabric canopy to front.</p> <p>One externally illuminated fascia sign to front and one non-illuminated sign to side elevation.</p>

SITE AND PROPOSAL

1. The application site consists of a ground floor commercial unit located to the west of Eastwood Road along the intersection between Eastwood Road and Daws Heath Road. The existing building consists of a vacant commercial unit (Use Class E) on the ground floor and a residential unit on the first floor. The ground floor commercial unit is the subject of this application. The site is located within Rayleigh Town Centre, flanked by Eastwood Road to the east and Daws Heath Road to the south. Vehicular parking is available to the southern flank of the building. The application site is approximately 45m². The application site is surrounded by a mixture of commercial units; there are some residential dwellings to the immediate south/southwest of the application site along Daws Heath Road.
2. The existing building on the site is constructed of facing brick with a pitched roof. The front elevation consists of an entry door with glass fenestrations and above this, advertisements which wrap around the southern flank of the building.
3. The application seeks planning permission for a change of use from the buildings current use as a shop (Use Class E) to use as a mixed desert and jacket potato shop (Use Class Sui Generis). The proposal also seeks alterations to the front elevation including the construction of a canopy. New advertisements are proposed to the front and side elevation, however these are the subject of a separate application (LPA ref. 25/00316/ADV).

RELEVANT PLANNING HISTORY

4. Application No. 25/00316/ADV – One externally illuminated fascia sign to front and one non-illuminated sign to side elevation – Pending Consideration.

5. Application No. 25/00195/FUL – Loft conversion incorporating 2 No. front dormers – Application Permitted.
6. Application No. 13/00111/ADV – 1No. Non-illuminated advert to side of building and 8No. adverts to perimeter – Application Refused 25/07/2013.
7. Application No. 91/00594/ADV – Retention of poster advertising panel – Application Refused 1991.
8. Application No. 84/00652/ADV – Erect illuminated single sided fascia sign – Application Permitted 1984.

MATERIAL PLANNING CONSIDERATIONS

9. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
10. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014), the Development Management Plan (2014), and the Rayleigh Centre Area Action Plan (2015).
11. The application site is located within the Rayleigh Town Centre Boundary and the Rayleigh Town Centre Area Action Plan. The site is within the Rayleigh Secondary Shopping Frontage Area.
12. Policies RTC1 and RTC2 of the Council's Core Strategy promote the protection and enhancement of retail uses in Town Centres. It is understood that the existing building is vacant, however appears at one time to have been occupied by 'Thermoshield'. It is understood that it was used to sell windows and doors. The proposal would bring back into use a vacant unit within Rayleigh Town Centre and therefore, whilst it is acknowledged that the use of the building as a mixed use desert and hot food store would differ from the current use of the building, it would not impact an existing retail use within an area identified as significant for retail purposes. Contrarily, the proposal would contribute positively to the vitality and viability of Rayleigh Town Centre by bringing back into use a currently vacant unit and diversifying the town centre's offer, thereby supporting its continued economic and social vibrancy. The proposed change of use is therefore not considered to undermine the aims of Policies RTC1 and RTC2.
13. Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh Town Centre's role as the District's Principal town centre is retained through

the implementation of the Area Action Plan (henceforth, AAP) which strives to deliver the following:

- a. Improved accessibility to and within the town centre
- b. A safe and high-quality environment for residents and visitors
- c. A predominance of retail uses, including intensification of existing retail uses, which cater for a variety of needs
- d. A range of evening leisure uses
- e. Promotes provision of community facilities, including exploration of potential locations for a healthcare centre and, if appropriate, delivery of such facility

14. Policy 3 of the Rayleigh AAP states that predominant uses within Rayleigh Town Centre (including both primary and secondary frontages) should be Use Class A1. The AAP acknowledges that non-A1 uses may be acceptable within the Town Centre where these would
- a. Not have a detrimental impact on, or undermine, the predominance of A1 uses;
 - b. Not create a cluster of non-A1 uses;
 - c. Entail the provision of non-A1 uses which is considered to positively contribute to the overall offer and encourage people into the town centre;
 - d. Not have a negative impact on the amenity and character of Rayleigh

15. As discussed above, the existing building is Use Class E and is vacant, therefore offers little to the viability and vitality of the Town Centre. The provision of a mixed desert and hot food takeaway in this location is considered to positively contribute to the Town Centre by diversifying the offerings available. It should also be noted that whilst there is not an identified need within the AAP for offerings of this kind, the provision of such would contribute positively to the vitality of the Town Centre. The proposal is not considered to have a negative impact on the amenity or character of the Town Centre and would not undermine the predominance of A1 uses. As such, there is no objection in this instance to the change of use.

Impact on Character

16. Policy CP1 of the Councils Core Strategy seeks to promote good, high-quality design that has regard to local flavour, supported by adopted Supplementary Planning Documents and the Essex Design Guide.
17. Guidance for non-residential developments in Town Centre locations such as this is supported by the Council's Supplementary Planning Document 4 – shop fronts, security and design (henceforth 'SPD4').
18. Paragraph 4.5 'Appearance of a Shop Front Elevation Suitable for a Traditional Location' of SPD4 clarifies that in considering the overall appearance of an elevation suitable for a traditional location, thought

must be given to its relationship with neighbouring existing buildings. The new elevation should be compatible with its context in materials, scale and visual intricacy in order to take its place within a harmonious street scene.

19. Policy 3 of the AAP further states that uses within the Town Centre should not detrimentally impact on the appearance or character of Rayleigh.
20. The existing building is constructed of facing brick with a gable, pitched roof to the front elevation (adjacent Eastwood Road). Advertisements/signage are found to the front elevation and wrap around the side elevation adjacent to Daws Heath Road. This is not uncommon for the street scene; this section of Eastwood Road has a high concentration of shopfronts all with differing approaches to design.
21. The proposal does not seek to significantly alter the existing arrangement. It is proposed to replace the signage to the front elevation and side elevation with a turquoise composite panel sign (consent for the display of such sign is subject to a different application) and a fabric canopy. Signage to the side elevation would also be replaced. The replacement signage in this instance is not considered significantly detrimental to the visual character of the street scene or Rayleigh as a whole. The addition of the canopy is considered acceptable and would not appear incongruous or out of character. Several shopfronts within the streetscene, such as 'Fish and Shish' and 'Courts of Rayleigh' have similar fabric canopies.
22. The building is not located within or close to the boundary of the Rayleigh Conservation Area, and the appearance of the building proposed is considered to harmonise with and integrate with the commercial units it is closely sited to and the residential dwellings it also adjoins.
23. It is considered the proposal would have a positive impact on the character and appearance of the existing building and the surrounding area and would be compliant with policies CP1 of the Council's Core Strategy and policy DM1 of the Development Management Plan.

Impact on Residential Amenity

24. Policy DM1 of the Development Management Plan seeks to ensure that new developments avoid overlooking, ensure privacy and promote visual amenity, and create a positive relationship with existing and nearby buildings. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.
25. The proposal does not seek extension of the existing building, and in this regard the proposal is considered to have no impact in terms of

overshadowing and overbearing. No new windows are proposed to the rear wall or flanks of the building. The proposed fenestration changes to the front elevation would overlook the public realm, and the enlargement of the skylights to the roof of the building (being of the same location to the roof and of a height above which overlooking is likely to occur from) are not considered to give rise to overlooking.

26. Notwithstanding the negligible impacts of the proposal in relation to the physical form of the building, consideration is given to impacts from the proposed change of use.
27. The Case Officer thought it prudent to consult colleagues in Environmental Health. No response was received, however.
28. Whilst it is acknowledged that the current store is vacant, consideration must be given in the differences between the existing use and the proposed use, had the current store been trading at present. The application form and Design and Access Statement indicate that the store would sell desserts and jacket potatoes, which would be cooked with a small electric oven. As such, the proposed use of the building is not considered to generate significant noise over and above what would be generated by the existing use of the building. Furthermore, the Design and Access Statement indicates that the building would be takeaway only, and would not have seating indoors. As such, it is likely that noise generated from the building would be intermittent, rather than constant. As such, it is not considered that the noise generated by the proposed use would be significantly greater than existing, nor would this be significantly detrimental to the amenity that nearby dwellings can reasonably expect to enjoy living in close proximity to the Town Centre.
29. The application submission indicates that the cooking of potatoes would be at a small scale and there would be no need for an extraction system as no odours would be generated. Nevertheless, the application proposes an internal extraction system which would circulate the air within the kitchen. As such, no external extraction system is proposed, and it is not considered that the use would generate odours which would be significantly detrimental to amenity. Whilst the representation received regarding smells is acknowledged, it is considered that sufficient mitigation has been provided in this instance that odour from the use would not be prevalent.
30. Notwithstanding the above, it is acknowledged that there are residential dwellings nearby (including on the first floor of the building to which the application relates) which would be impacted by the development. As discussed, the application site is located within the Town Centre, and as such, it is reasonable to expect that some noise would arise from uses within the town centre, and that these uses would continue late into the evening. Nonetheless, the application form indicates that the shop would be open during the hours of 09:00 – 22:00 every day, and it

is considered necessary to condition this to be so in the interest of protecting the amenity of the dwellings in the immediate vicinity. It is pertinent to note that the Fresh Oriental (which appears to be a takeaway) operates until 10:30pm on weekdays, and 10pm on Sundays and therefore this would not be significantly different. Notwithstanding, noise complaints are covered under separate legislation in any case and neighbours are encouraged to report such complaints to the Council.

31. The representation received states work has begun on the building already, prior to determination of this application. The neighbour states that building work and noise is having an impact on their amenity. In respect of noise arising from building work, this is a necessary byproduct of development and is generally short-lived, therefore is not considered unreasonable in this instance. In regard to development beginning prior to approval, any development done without prior written approval from the Local Planning Authority is done so at their own risk and at the risk of enforcement action depending upon members decision on the application.
32. Having regard to the above, and in the absence of an objection or comments from Environmental Health, the Local Planning Authority has no reason to conclude that the proposed use would detrimentally impact on the amenity of neighbouring dwellings, having regard to the location of the site within the Town Centre and the surrounding uses.

Waste and Refuge

33. Appendix 1 of the Council's Development Management Plan provides advice on the design of waste and recyclables storage and collection requirements. The site is of a non-domestic use. Section 7 of Appendix 1 confirms that non-domestic waste must be collected by a Licensed Waste Carrier and although these details have not been provided as part of the application, such arrangements for small scale developments are usually privately arranged. What is relevant to the application is to ensure the site can accommodate storage of waste which would not unduly impact amenity of occupying neighbours, despite the arrangements for the existing commercial use.
34. The Design and Access Statement indicates that commercial wastebins will be stored in the rear of the application site and would be collected via the Council's private waste collection service. This is not uncommon and is considered acceptable. The submitted plans indicate that sufficient space is available within the application site for storage of these wastebins and within close enough proximity to the highway to be regularly collected.

Highways and Parking

35. The Essex County Council Parking Guidance (2024), adopted by the Council in January 2025, requires that for a hot food takeaway 1 space be provided for every 30m² of floor area. The use would occupy approximately 45m² of floor area and therefore there is a requirement to provide 1No. off-street parking space. There is limited parking availability to the side elevation fronting Daws Heath Road with sufficient parking space for 1No. vehicle. As such, the requirements of the Essex Parking Guidance are considered to be met.
36. The Design and Access Statement indicates that stock deliveries would occur once weekly and would be for a period of approximately 30 minutes. This would not be unusual for a town centre use, and deliveries of such nature are common.
37. The Case Officer thought it prudent to consult with Essex County Council (henceforth, ECC) as Local Highways Authority on the proposal. ECC state that “*the facility includes limited off-street parking and the local highway network is protected by parking restrictions.*” and do not wish to restrict the grant of planning in this instance. As such, having regard to the response from ECC, it is not considered that the proposal would detrimentally impact on the highway network.
38. The representation received regarding parking within the area being congested and the potential increase in accidents as a result of the proposal are acknowledged. As noted by ECC, parking restrictions are in force along this section of the street scene, therefore the proposal would not give rise to any unacceptable parking. In accordance with Paragraph 116 of the NPPF, an application should not be refused on highway grounds unless the impact of the development would, after mitigation, be severe. In the absence of an objection by the Highways Authority, the Council has no reason to conclude that the development would increase the potential for accidents.

Biodiversity Net Gain

39. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
40. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development

to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

41. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and have the condition discharged prior to commencement of the development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
42. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
43. In this case the developer has indicated that the statutory biodiversity gain condition would not apply.
44. Officers agree that the statutory biodiversity gain condition would not apply as the proposed development relates to the existing building only, and the application site does not feature any trees or soft landscaping or areas for potential habitat as it consists entirely of hardstanding
45. The proposed development, which in the main relates to the change of use of the existing building with only minor alterations to the building, is considered exempt as the proposal would result in no material loss of habitat.

EQUALITIES AND DIVERSITY IMPLICATIONS

46. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
 - To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.

47. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
48. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

49. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No response received.

Essex County Council Highways Authority: No objection.

Rochford District Council Environmental Health: No response received.

Rochford District Council Economic Regeneration: No response received.

Neighbour representations:

Two anonymous responses received which in the main make the following comments and objections:

- Parking in the area is already congested
- The proposal may give rise to increased accidents with more people coming and going.
- There is an abundance of fast-food outlets in the area and no need for more.
- Complaints regarding the smell that would be emitted from the building as a result of the operation of the shop.
- Extended opening hours will generate a lot of noise. Noise is already a problem in the area.

Relevant Development Plan Policies:

National Planning Policy Framework 2024.

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014).

Essex Parking Guidance (2024).

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

Supplementary Planning Document 4 (January 2007) – Shop Fronts - Security and Design.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application or shall match the existing building, unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan, in the interests of visual amenity.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: ER-2404-EPPE.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

4. The premises shall only be open to customers between the hours of 09:00 and 22:00 Monday to Sunday.

REASON: In the interest of protecting the amenity of neighbouring dwellings, in accordance with Policy DM1 of the Development Management Plan (2014) and the National Planning Policy Framework 2024.

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike Sutton and Cllr. A. G. Cross.

Application No :	25/00316/ADV Zoning : Rayleigh Town Centre
Case Officer	Mr Luke Rigby
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	48 Eastwood Road Rayleigh Essex
Proposal :	One externally illuminated fascia sign to front and one non-illuminated sign to side elevation.

SITE AND PROPOSAL

1. The application site consists of a ground floor commercial unit located to the west of Eastwood Road along the intersection between Eastwood Road and Daws Heath Road. The existing building consists of a vacant commercial unit on the ground floor and a residential unit on the first floor. The ground floor commercial unit is the subject of this application. The site is located within Rayleigh Town Centre, flanked by Eastwood Road to the east and Daws Heath Road to the south. Vehicular parking is available to the southern flank of the building. The application site is surrounded by a mixture of commercial units; there are some residential dwellings to the immediate south/southwest of the application site along Daws Heath Road.
2. This application is one of two current applications for the current site, and is an application made in tandem with 25/00315/FUL which seeks a change of use for the site from Use Class E to Use Class Suis Generis.
3. The application seeks permission for the installation of one externally illuminated sign to the front elevation of the building adjacent to Eastwood Road and one non-illuminated sign to the southern flank of the building adjacent to Daws Heath Road.

RELEVANT PLANNING HISTORY

4. Application No. 25/00315/FUL - Change of use of ground floor vacant shop (Use Class E) to a mixed dessert and jacket potato takeaway shop (Sui Generis). Fabric canopy to front. One externally illuminated fascia sign to front and one non-illuminated sign to side elevation – Pending Consideration.
5. Application No. 25/00195/FUL – Loft conversion incorporating 2 No. front dormers – Application Permitted.
6. Application No. 13/00111/ADV – 1No. Non-illuminated advert to side of building and 8No. adverts to perimeter – Application Refused 25/07/2013.

7. Application No. 91/00594/ADV – Retention of poster advertising panel – Application Refused 1991.
8. Application No. 84/00652/ADV – Erect illuminated single sided fascia sign – Application Permitted 1984.

MATERIAL PLANNING CONSIDERATIONS

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

Policy Considerations

11. This application seeks express consent for one externally illuminated wall sign and one non-illuminated sign submitted under the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
12. The regulations referred to indicate that a local planning authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account – (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and factors relevant to public safety include; the safety of persons using any highway and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign.
13. The application seeks advertisement consent. Adverts are acceptable as a matter of principle. Paragraph 141 of the National Planning Policy Framework (2024) (henceforth, NPPF) states that: -

The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

14. Policy CP2 of the Council's Core Strategy and Policy DM37 (Advertisements) of the Council's Local Development Framework

Development Management Plan indicate that the design and siting of adverts must have regard to the access and visual impacts of the buildings on which they will be displayed and the character of the surrounding area. Advertisements will be permitted provided that they do not add to the visual clutter or detract from the visual amenity of the area. They should be appropriately designed and sited within the context of the area and well related to the buildings to which they are attached. Illumination should not result in light pollution or compromise highway safety.

15. The application site is located within the Secondary Shopping Frontage as defined in the Rayleigh Area Action Plan (henceforth AAP), and forms part of a cluster of commercial units such as a nursery, carpet store, estate agents, and a range of other commercial units. As such, advertisements and signage of varying colours and styles are commonplace within the immediate street scene. Furthermore, the existing building has signage to the front elevation (adjacent Eastwood Road), and the southern flank of the building (adjacent Daws Heath Road). As such, the principle of the development in this instance is considered acceptable and there is no in-principal objection to the installation of signage subject to design considerations.
16. The application proposes to install 1No. illuminated aluminium fascia sign to the front elevation of the building above the entrance door. This signage would have a height of approximately 0.6m and a width of approximately 6.2m. It would have a turquoise background with white foamex lettering. The proposed advertisements to the front elevation are not considered significantly detrimental to the visual character or appearance of the streetscene in this instance; having regard to the existing streetscene and advertisements in-situ, the installation would not appear incongruous or out of character.
17. To the southern return flank it is proposed to install 1No. non-illuminated sign which would replace the existing sign to this elevation. It would have a height of 0.8m and a width of approximately 6m. The proposed sign is considered acceptable in design terms and would not appear incongruous or out of character.
18. Overall, it is considered that the proposed signage is of a scale and colour scheme that would be acceptable and would for the most part replace existing signage of a similar scale. As the proposal is for the installation of various replacement illuminated and non-illuminated signs to the exterior of the building, it is not considered there would be any additional adverse impact on the character of the street scene or the wider Rayleigh Town Centre. The proposed signage/lighting is considered proportionate and in keeping with the character and nature of the host building.

Public Safety

19. Advice advocated within the NPPF and local policy state that consent for advertisements will normally be granted provided that the proposal would not materially harm public safety. The proposed signage is considered to be appropriately scaled and positioned in order to ensure no adverse impact on public safety. Further to this, it is considered that the signage or lighting would not result in a traffic hazard as a distraction to road users, impair sight lines, traffic signals, or vehicular or pedestrian manoeuvrability. Nevertheless, the Case Officer considered it prudent to consult colleagues in Essex County Council Highways Department and the Engineer states *“the fascia signs are over private land and the luminance levels are within the acceptable limits, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority...”*

Impact on Residential Amenity

20. The nearest residential properties are approximately 39m away from the subject building towards the north. The proposed lighting will all be situated on the front of the building or the main sign, which is also located at the front of the building. The proposed fascia sign would be static illumination lit; and it is considered that the advertisement proposals would be unlikely to adversely impact residential amenities of neighbours or visual amenities of pedestrians or highway users.

21. Overall, it is not considered that the proposed illuminated signs and additional lighting proposed would be so significantly detrimental to residential amenity to the surrounding neighbours to warrant a refusal in this case. The signs are otherwise compliant with Policies DM1 and DM37 of the Development Management Plan (2014) and therefore acceptable.

EQUALITIES AND DIVERSITY IMPLICATIONS

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

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

23. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
24. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

25. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No response received.

Essex County Council Highways Authority: No objection.

Neighbour representations: No representations received.

Relevant Development Plan Policies:

National Planning Policy Framework (2024).

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM27, DM28.

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

Schedule 2, Regulation 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

RECOMMENDATION: APPROVE

Conditions:

1. This consent shall expire at the end of a period of five years from the date of this decision notice.

REASON: Required to be imposed pursuant to Regulation 14 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

2. (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: Required to be imposed pursuant to Schedule 2, Regulation 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans ER-2404-BP, ER-2404-EPPE, TQRQM25114170116475

REASON: For the avoidance of doubt and to ensure that development is completed out in accordance with the details considered as part of the planning application

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike Sutton and Cllr. A. G. Cross.