



PLANNING APPLICATIONS WEEKLY LIST NO.1762
Week Ending 20th 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 31/07/2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **25th 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.

Index of planning applications: -

- 1. Recommended Approve - 25/00187/FUL Waikato Lark Hill Road Canewdon pages 2 – 36
- 2. Recommended Approve - 25/00264/FUL Burroughs Park Little Wakering Hall Lane Great Wakering pages 37 - 46
- 3. Recommended Approve - 25/00344/FUL Unit 2 Airport Retail Park Southend Airport Rochford pages 47 – 54
- 4. Recommended Approve - 25/00341/FUL First Floor Above Unit 7 Eldon Way Hockley pages 55 - 67

Application No :	25/00187/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	Waikato Lark Hill Road Canewdon
Proposal :	Demolition of existing dwellinghouse and outbuildings and erection of 1 No. new replacement dwellinghouse (self-build) with outbuilding with associated amenity space and driveway parking.

SITE AND PROPOSAL

1. The application site is located on Lark Hill Road, within the rural parish of Canewdon in the Rochford District of Essex, approximately 5 miles north-east of the town of Rochford. Canewdon is an historic village with a distinct cultural identity, recognised for its heritage links and associations with local folklore. The village is positioned on elevated ground, offering extensive views across the Crouch River Valley and the wider Essex countryside.
2. The site is situated on the edge of the defined village boundary and is accessed via Lark Hill Road - a secondary route connecting Canewdon with neighbouring settlements. The immediate context comprises agricultural fields and sporadically located residential properties, forming a transitional zone between the built-up village core and the surrounding open countryside. The site benefits from proximity to strategic transport connections, including the A132 and A127 within half hours drive, providing access to larger settlements and regional infrastructure.
3. Residential properties along Lark Hill Road are typically detached dwellings - ranging in scale and design - characterised by traditional rural architecture, including brick façades, weatherboarding, and pitched roofs, consistent with the vernacular style of the area.
4. The application site extends to approximately 1,755m² and comprises a part-single, part-two-storey detached dwelling in a state of disrepair, alongside several single-storey outbuildings and associated areas of hardstanding. The site lies entirely within the Metropolitan Green Belt. It is not located within any designated area of international, national, or local ecological importance, nor does it fall within the South Essex Coastal Towns landscape character area.
5. Planning permission is sought for the demolition of the existing dwellinghouse and outbuildings and the erection of 1 No. new

replacement dwellinghouse (self-build) with outbuilding with associated amenity space and driveway parking.

RELEVANT PLANNING HISTORY

6. Application No. 24/00400/OUT - Outline application with all matters reserved for the demolition of existing outbuildings and erection of 1 No. new dwellinghouse with associated amenity space and driveway parking. Form new vehicular access onto Lark Hill Road – Refused – 4th September 2024. Reasons for refusal:

“The proposed development would result in a materially larger building than the existing buildings to be replaced which would have a greater impact on the openness of the Green Belt than the existing built form. The development is not considered to meet the criteria and exceptions outlined at paragraph 154 g) to the National Planning Policy Framework and would if allowed result in a replacement development that would have a greater impact, particularly by height and overall mass on the openness of the Metropolitan Green Belt than the buildings it would replace. There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore fail to comply with the National Planning Policy Framework and if allowed would cause an incremental loss of openness detrimental to the character of the metropolitan Green Belt”.

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The proposal involves the demolition of numerous outbuildings which could potentially be used by bats. No ecological survey has been submitted with the application to establish the presence or absence of protected species at the site or determine appropriate mitigation should it be required. It can therefore not be determined whether the proposal would result in harm to protected species. Insufficient information has been submitted to support the development, contrary to Policy DM27 of the Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity”.

7. Application No. 24/00848/FUL - Demolition of existing outbuildings and erection of 1 No. new dwellinghouse (self-build) with associated amenity space and driveway parking – Approved – 12th February 2025 (subdivision of plot) .

MATERIAL PLANNING CONSIDERATIONS

8. The proposed development must be assessed against relevant planning policy and with regard to any other material planning

considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

9. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
10. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024 and February 2025. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
11. To ensure that sustainable development is pursued in a positive way, there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing Land Supply

12. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

13. In light of the above, an important material planning consideration is exception b of para 155 which states that development within the Green Belt for homes, commercial and other development within the Green Belt should not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed. Para 155 explicitly states that: -

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where...”. Of particular relevance to this application is exception b. of the framework which states that “...There is a demonstrable unmet need for the type of development proposed”. In the footnote this is expanded upon “Which, in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years”.

14. The proposal posits the replacement of the existing dwelling on the site with one detached house, which the agent claims to be more energy efficient and sustainable. According to the recent Annual Monitoring Review for Rochford District Council states that the Authority has a 5-year housing land supply of 4.53 years. Nevertheless, in the opinion of the case officer there will be no NET increase in the number of dwelling(s) as the proposal seeks a like for like replacement, and as such if the proposal was permitted it would not contribute to the existing shortfall. Consequently, the proposal will have a neutral impact on housing land supply and in the opinion of the case officer exception b. of para. 155 is not engaged.

Green Belt considerations

15. Within Rochford District Council's adopted Core Strategy, it is explained that the term 'Green Belt' refers to a planning designation and is not necessarily a description of the quality of the land and therefore land which is allocated as Green Belt can include both previously developed land and brownfield sites. It is detailed within Policy GB1 of the Core Strategy that the Council will direct development away from the Green Belt as far as practicable but where proposed development would encroach upon the Green Belt, the protection of land would be prioritised based on how well the land helps achieve the purposes of the Green Belt, as mentioned above.
16. Policy GB2 of the Core Strategy however, states that the Council will maintain a restrictive approach to development within the Green Belt, but that this view would be relaxed in relation to proposals relating to rural diversification. Within this Policy it is deemed that retail and residential development are not considered acceptable forms of rural diversification within the Green Belt. This is largely due to the issues of

sustainability of such uses within rural locations, which are relatively cut off from required surrounding facilities.

17. This is supported by the NPPF, in which it is stated that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the greater Green Belt Boundary.
18. It is stated within Rochford District Council's Development Management Plan that redevelopment of previously developed land in the Green Belt to residential, retail or other uses which are more appropriately located in town centres (e.g. office, commercial, leisure and community uses) are not generally supported. Residential development should primarily be directed towards the district's defined residential settlements; sporadic development that is poorly related to existing development, services and facilities can negatively impact upon sustainability.
19. As previously stated, both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the Framework which would also be a material consideration.
20. Consequently, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.
21. The application site is located wholly within the Metropolitan Green Belt Paragraph 142 of the Framework states that 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 their permanence.

22. Paragraph 143 repeats the five purposes of the Green Belt, which include:
- i) To check the unrestricted sprawl of large built-up areas;
 - ii) To prevent neighbouring towns merging into one another;
 - iii) To assist in safeguarding the countryside from encroachment;
 - iv) To preserve the setting and special character of historic towns; and
 - v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
23. Paragraph 153 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. By virtue of paragraph 154 of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings such as replacement dwellings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). As previously stated, the proposal involves the demolition of the existing dwelling “Waikato” which is a part two storey part single storey detached dwellinghouse and the erection of a three bedroomed house. Consequently, the proposal will be assessed against exception (d) of para 154 of the Framework. It is considered that the remaining exceptions a) to c) and e) to g) do not apply in this instance.
25. Furthermore, Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
26. Building upon para. 154 is para. 155 of the framework, which enunciates that a number of other circumstances when it is considered that development the development of homes, commercial and other development in the Green Belt does not constitute inappropriate development, and these are: -
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
27. The guidance stated within paragraphs 110, 115, 156 to 157 are not applicable to the determination of this application.
28. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not "very special circumstances" in their own right.
29. These very special circumstances are dealt with in detail in the applicants' Planning Statement and include the following:
- The proposed dwelling, is no larger than the one proposed to be replaced and as such will not be inappropriate in policy terms;
 - The existing dwelling could be significantly extended under Permitted Development or Prior Approval, potentially resulting in a greater overall footprint and mass than the proposed replacement dwelling;
 - It is alluded to that the proposal will remove an unsightly building and replace it with a building more in keeping with the rural vernacular and sustainable.

Assessment against Exception (d)

30. The proposed development is assessed against exception (d) of para. 154 of the Framework, which states that "*The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". According to the submitted plans/supporting documents, the proposal is to demolish the existing

dwellinghouse and associated outbuildings and replace it with a similar sized residential property. It is considered that the proposal complies with the first limb of the exception – *“The replacement of a building, provided the new building is in the same use”*.

31. Notwithstanding the above, it is imperative to address the second limb of exception (d) which states *“...and not materially larger than the one it replaces”*. The term *“materially larger”* is not defined in either local or national guidance, and accordingly this is a matter of planning judgement having regard to the particular circumstances of the case. Consequently, the question of whether a building is materially larger than that existing, is one that has been met with challenge. *R Heath and Hampstead Society v Camden LBC* (2007) discuss the reasons why the relevant test for replacement buildings in the Green Belt is one of size rather than visual impact; the essential characteristic of Green Belts is their openness not their appearance. Christopher Lockhard-Mummery QC in *Surrey Homes Ltd V Secretary of State for Environment* (2000) said that which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement dwellinghouse, will depend on the circumstances of the particular case. It may be floor space, footprint, built volume, height, and width. But in most cases floor space will undoubtedly be the starting point, if indeed it is not the most important criterion. In the judgement of *Heath and Hampstead Society V Camden* (2007), the courts agreed with the conclusion of *Surrey Homes* stating that the general intention of the materially larger test is that the new building should be similar in scale to that which it replaces. The *Surrey Homes* case illustrates why some qualification to the word “larger” is needed. A small increase may be significant or insignificant in planning terms, depending on such matters as design, massing, and disposition on the site.
32. In line with this, the Development Management Plan permits within Policy DM21 the replacement or rebuild of existing dwellings in the Green Belt. Permitting the replacement or rebuild of existing dwellings offers the opportunity to achieve an improvement in the appearance of many dwellings in the Green Belt. Policy DM21 of the Development Management Plan takes into account the overall siting, scale and bulk of the replacement dwelling and whether this would be appropriate development.
33. Policy DM21 of the Development Management Plan states that replacement or rebuild of existing dwellings in the Green Belt will be permitted, taking into consideration:
- (i) The total size of the dwelling should result in no more than a 25% increase in floorspace of the original dwelling;
 - (ii) The condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and

therefore permission will not be granted for their redevelopment for housing);

- (iii) The visual mass and bulk of the new dwelling should not be significantly larger than that of the existing dwelling (taking into consideration any additional mass allowed for in respect of criterion (i) above). The overall height of the replacement dwelling should not exceed that of the existing dwelling unless a modest increase in height can be justified on design or visual amenity grounds. Where the existing dwelling is a bungalow, it should be replaced by a bungalow; and
- (iv) The proposed siting of the replacement dwelling. A replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact on openness or amenity.

34. The site in question is located within the Metropolitan Green Belt and spans an area of approximately 1,755m². As previously stated, the site includes a part two-storey, part single-storey dwelling and several outbuildings, including a detached garage, workshops, a garden room, and a shed. The existing dwelling, having undergone previous extensions, currently occupies a footprint of 147.9m² with a Gross Internal Area (GIA) of 175.9m² and a total volume of 652.29m³. When factoring in the outbuildings, the total cumulative footprint increases to 239m², the GIA grows to 252.1m², and the total volume reaches 844.73m³.
35. However, the original, unextended dwelling was much smaller, with a footprint of 114m², a GIA of 142.1m², and a volume of 564.91m³. The existing property is fragmented in its design due to the various extensions and outbuildings, which could be viewed as detracting from the Green Belt's openness despite their single-storey nature. This fragmented development, with its scattered outbuildings, leads to a perception of reduced openness, as the site appears more developed than a single dwelling would.
36. The proposal seeks to replace the existing dwelling with a new structure that adheres to the Green Belt's planning guidelines while providing a more cohesive and modern design. The replacement dwelling would have a footprint of 112.9m², which is a 1.1m² reduction from the original dwelling's footprint of 114m². More significantly, when considering the demolition of the existing outbuildings, the total footprint of the built form would decrease from 239m² to 112.9m².
37. The proposed replacement dwelling would have a Gross Internal Area (GIA) of 184.6m², which constitutes a 29% increase over the original dwelling's GIA of 142.1m². While this increase slightly exceeds the 25% threshold set out in Policy DM21 for extensions or replacements in

the Green Belt, it is considered a proportionate response to contemporary living standards. The uplift in floorspace seeks to provide more functional and efficient internal layouts, improved insulation, and enhanced energy performance in line with modern building expectations.

38. Moreover, the proposed dwelling's volume would increase to 681.98m³ from the original volume of 564.91m³, which equates to a percentage increase of approximately 21%, adhering to the Green Belt policy limits. This modest volume increase is largely offset by the removal of the existing outbuildings, which contribute significantly to the overall volume on the site.
39. The Green Belt's core principle is to preserve the openness of the land and prevent urban sprawl, which means that any new development must carefully consider its spatial impact. The proposal does so in several ways. While the new dwelling would increase the overall volume and GIA compared to the original, it also reduces the total footprint of the existing built form. The reduction in footprint is particularly important as it minimizes the spread of development across the site, helping to preserve the openness of the Green Belt. Moreover, the removal of the outbuildings, which currently contribute to a scattered built form across the site, is a significant step in improving the openness. By consolidating the built form into one main dwelling and a garage, the proposal reduces the horizontal spread of development, making the overall site appear more open and less built-up than the current situation. Although the proposal increases the ridge height of the dwelling to 7.3m, compared to the existing height of 7.17m, this represents only a modest 0.13m increase, which is unlikely to have a significant detrimental effect on the overall openness of the Green Belt. Furthermore, the eaves height of the two-storey element would be lower by 480mm than the existing structure, effectively reducing the perceived bulk at the upper levels.
40. While the increased height of the proposed dwelling may have a slightly greater visual impact due to the increased massing, the design has been carefully calibrated to reduce its environmental and visual effects. The smaller footprint, the consolidation of the built form, help to ensure that the overall development remains sensitive to its Green Belt location. The proposed dwelling would retain a similar form to the existing structure, mixing single-storey and two-storey elements, which is a key feature of the original design. Additionally, the choice of materials and careful attention to the building's scale and massing will help the new dwelling blend with its surroundings. While the increase in height will result in a slightly greater visual presence, this is counterbalanced by the reduced footprint and the fact that the built form is consolidated into a single, coherent structure.
41. Upon detailed assessment, the proposed development is considered to be in substantive compliance with the policy requirements governing

the Metropolitan Green Belt, most notably Policy DM21. This policy permits volumetric increases of up to 25% in the context of replacement dwellings, and the proposed scheme remains within this specified limit. While there is a minor exceedance of 4% in Gross Internal Area (GIA) beyond the tolerances set out in Policy DM21, this marginal departure is not considered to constitute a material breach. In the context of the overall scheme and its demonstrated sensitivity to the Green Belt's objectives, such a deviation does not, in principle, provide sufficient grounds for refusal.

42. Crucially, the proposal incorporates a net reduction in the overall footprint of the built form and includes the demolition of ancillary outbuildings. These measures represent a clear and positive response to the Green Belt's core objective of preserving openness. Although the proposed dwelling includes a modest increase in height, the change is proportionate and has been carefully designed to avoid any significant visual or spatial intrusion. When considered in conjunction with the reduced footprint and consolidation of the built form, the proposal results in no undue harm to the visual amenity or openness of the Green Belt.
43. From a design perspective, the proposal reflects a high level of contextual awareness. The massing, scale, and material choices have been deliberately calibrated to mitigate any adverse environmental or visual impact. The development thereby upholds the principles of sustainable and contextually responsive design, contributing positively to the character of the locality.
44. In summary, the proposal constitutes a proportionate, policy-aligned, and design-led intervention that respects the spatial and visual integrity of the Metropolitan Green Belt. The limited departure from GIA thresholds is, in this case, outweighed by the net environmental and spatial benefits achieved through footprint reduction, design rationalisation, and the removal of non-essential built elements. As such, the proposal represents an appropriate and justified form of development within the Green Belt context.
45. A further consideration is the condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and therefore planning permission will not be granted for their redevelopment for housing). The existing dwelling is currently occupied and as such is habitable and is not considered to be abandoned. Therefore, planning permission can still be granted for the replacement of the dwelling.
46. In addition to the above, a replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be more appropriate siting in the Green Belt in terms of the impact on openness or amenity. According to the submitted plans, the

proposal would occupy a similar footprint to the existing dwellinghouse, and as such the proposal accords with the aforementioned policy.

47. It is inferred by the applicant that the proposal will achieve a high-quality architectural design which addresses the Green Belt context. Furthermore, it will remove an unsightly building with limited architectural merit and replace it with a well-designed home which seeks to reflect the context in which it will be located. Furthermore, the applicant seeks to make a case that the proposal will be sensitively landscaped which will help to integrate the proposed development into its surroundings and result in visual enhancements. In the opinion of the case officer any development should be sensitively landscaped so that it fits into the local environ and this is not a sufficient justification to warrant an approval. Compliance with other design requirements notwithstanding the green belt issues would never constitute a very special circumstance. Additionally, whilst the design of the proposed dwellinghouse is of a reasonable standard it is not particularly innovative; and the design of the proposed dwellinghouse (on its own) does not justify the special circumstances needed for the development to be considered acceptable in this Green Belt location.

48. It has been implied that an important material consideration is the creation of new jobs associated with the construction process. No weighting can be given to this as it simply does not amount to a very special circumstance, nor can any weighting be given to it in the overall balance of material considerations. It is asserted by the application that the development could also support the use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development.

Fallback Position

49. It is the case officer's considered position that, in order for a fallback position to be persuasive, it must be demonstrated to be either more detrimental or, at the very least, comparable to the current proposal in terms of its overall impact or outcomes. A fallback position must be a realistic and feasible alternative development scenario that could occur if the current proposal was refused. This viewpoint is supported by the following case law. In *R v. Secretary of State for the Environment, Transport and the Regions ex parte Nottinghamshire County Council* (2000), the court emphasized that a fallback position must be a plausible and realistic prospect, rather than a purely hypothetical scenario. This is further reinforced by the *R (on the application of St. Albans City and District Council) v. Secretary of State for Communities and Local Government* (2010) case, where the court held that the fallback must not only be feasible but likely to occur. For instance, the fallback could involve a less sustainable form of development, leading to greater environmental degradation or more significant traffic disruption. The *East Northamptonshire District Council v. Secretary of State for Communities and Local Government* [2014] case highlighted

that the likelihood of the fallback position being implemented must be properly assessed, ensuring that the alternative truly represents a worse or less beneficial option than the proposed development. Therefore, if the applicant can articulate that the fallback position would result in a deterioration of conditions as opposed to that of the proposed development is a significant material planning consideration, as detailed in *Woolwich Borough Council v. Secretary of State for the Environment* (1981), which clarified that fallback positions must be given weight, particularly when it can be shown that they would lead to more harmful outcomes.

50. The applicant has argued that the existing dwelling could be significantly extended under Permitted Development (PD) or Prior Approval rights, potentially leading to a larger overall footprint and mass than the proposed replacement dwelling. Specifically, they suggest that the dwelling could gain an additional 83m² in Gross Internal Area (GIA) and 247m³ in volume under these rights. To support this claim, the applicant has submitted rough plans illustrating the potential for such extensions. While the plans are not fully detailed, they provide a realistic fallback position, as these extensions could be constructed without the need for full planning permission, in compliance with the relevant legislation. This fallback option represents a material planning consideration, as it highlights that the existing dwelling could be expanded in a way that may result in a greater mass and bulk, potentially having a more significant impact on the openness of the Green Belt than the proposed replacement dwelling. Thus, the proposed replacement can be seen as a more controlled and potentially less intrusive alternative to the alternative extensions, which could have a more substantial effect on the Green Belt's openness.

Sustainability

51. The Council's Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.
52. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:
- (i) is well related to a defined residential settlement;
 - (ii) is well related to local services and facilities;
 - (iii) has good connections to the strategic road network;
 - (iv) would promote sustainable transport modes;
 - (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
 - (vi) is located within the South Essex Coastal Towns landscape character area.

53. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The subject building is located approx. 1400m south west from Canewdon primary school, and while this is beyond the example 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.
54. In respect of connections to the road network, Lark Hill Road connects interspersed dwellings and businesses and connects the settlements of Ashingdon and Canewdon. The site benefits from good highway connections the surrounding roads are relatively level and cycling is potential mode of transportation.
55. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.
56. Within the applicant's Design and Access Statement a number of applications have been cited and the agent infers that by allowing these developments a precedent has been created. However, in relation to planning there is no such planning precedent as every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous. A search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency" and *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057

Design

57. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
58. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
59. Whilst the National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
60. Moreover, the Framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (paragraph 139).
61. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1m between habitable rooms and the plot boundary.
62. The redevelopment of a site, especially where it forms a significant part of local character and where the development and subdivision of plots would disrupt the grain of development will be considered unacceptable. Based on the submitted plans and supporting documents the applicant is proposing to erect 1No. detached property, which would have a 'L' shaped footprint. According to the submitted layout plan the proposed dwellinghouse will be constructed on the footprint of the existing dwellinghouse (albeit it will occupy a smaller footprint). According to plan reference TPA-P1-ZZ-DR-A-0150 Revision C01 the applicant is proposing to erect the detached garage at the front

of the proposed dwellinghouse, which will be sited on a similar footprint (albeit smaller) to the existing garage and workshops. The case officer noted the building line in the immediate locality is not regimented and some properties are set further back into their plots as opposed to others, for example “Leon Cottage” is set back 3.6m and “Homeland” is set back 5.6m from Lark Hill Road, whilst “Briarley” is set back 40m and “Hillcrest” is set back 64m (approx.).

63. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed replacement dwelling will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Core Strategy.
64. According to plan references TPA-P1-XX-DR-A-0100 Revision C02 and TPA-P1-ZZ-DR-A-1100 Revision C02, the proposed dwellinghouse is designed with a distinctive and deliberate layout, taking on the shape of an "L" when viewed in plan form. The dimensions of the building are approximately 13.68m deep and 16.17m long (as measured at the widest points) creating a structure that is both spacious and proportionate to the site. The design carefully balances single-storey and two-storey elements to create a varied and interesting roofscape. The single-storey section incorporates a mono-pitch roof, which, with a maximum height of 3.8m tapering to 3.1m, helps to soften the mass of the building while maintaining a modern aesthetic. This roof style is both functional and visually appealing, providing a clean, contemporary contrast to the traditional pitched roof of the two-storey section. The two-storey part of the dwelling features a pitched roof with an eaves height of 5m and an apex height of 7.3m, creating a clear distinction between the single-storey and two-storey elements, which adds depth and variety to the building's form.
65. Connecting these two distinct sections is a flat-roofed link extension, which stands at around 3m high. This feature acts as a subtle transitional element, reducing the abruptness between the different roof forms while maintaining the overall harmony of the design. The varied roof heights and forms help to break down the bulk and mass of the proposal into more digestible, smaller elements. This fragmentation of the overall mass can be seen as a deliberate strategy to reduce the perceived scale of the building, ensuring that it does not overwhelm its surroundings or dominate the site. The flat roof extension also serves a practical function, providing a visual connection between the two parts of the house while maintaining a modern, streamlined appearance.
66. The proposed dwelling takes on an agricultural character, a design choice that seems intentional to reflect the rural setting and verdant pastoral landscape. The use of vertical timber cladding natural materials and standing seam sheet profile to the roof would give an

overall form to the building evoking a more agricultural or barn-like structure, helping it to blend with its rural environment. The agricultural feel is further emphasized by the simplicity and clean lines of the building, avoiding overly complex or urban designs that could disrupt the harmony of the surrounding countryside. This design choice not only acknowledges the building's context but also enhances its integration into the landscape, reducing the visual contrast between the built form and the natural surroundings.

67. Furthermore, the applicant has proposed a series of variously sized apertures in the building's elevations, which help to further break up the scale and massing of the dwelling. These windows and openings serve multiple purposes: they create visual interest, allow for natural light to penetrate the interior, and provide views out to the surrounding landscape. From a design perspective, the placement of these apertures can be seen as a thoughtful strategy to reduce the building's visual bulk. By incorporating windows of different size and orientations, the building avoids a monotonous or overly heavy appearance, making the mass of the structure feel less imposing. The design of these apertures also helps in defining the character of the dwelling, enhancing its connection to the outdoors while keeping the proportions balanced and in scale with the site.
68. Overall, the proposed design of the dwelling thoughtfully balances form, function, and aesthetics. The varied roof heights, the agricultural-inspired aesthetic, and the strategic use of apertures all work together to create a building that feels both modern and rooted in its rural surroundings. By breaking the mass into smaller elements and introducing design features that complement the natural landscape, the proposal mitigates the potential for an overwhelming visual impact while creating a structure that enhances the character of the site. The considered use of different materials, forms, and apertures reflects a careful response to both site constraints and planning policies, ensuring that the development respects the visual and environmental quality of the area.
69. The applicant is proposing to use a relatively simple palette of materials to construct the proposed building. According to the applicants Design and Access statement and the supporting plans indicate that the walls of the buildings will be clad in timber, which will be vertically aligned. Whereas the roof will comprise a metal seam. It is considered that the use of this material is very traditional and sits comfortably with the pastoral vernacular. All the windows and doors will comprise powder coated aluminium frames. The building itself will sit upon a brick plinth. Furthermore, the materials have been chosen so that the proposal sits comfortably adjacent to the recently approved dwellinghouse (see application 24/00848/FUL) which used a similar palette of materials and had similar contemporary design. Overall, it is considered that this relatively simple palette of materials is in keeping

with the wider vernacular and will not cause any demonstrable harm to the character and appearance of the wider street scene.

70. Internally the ground floor accommodation will comprise entrance hall, 2No. storage cupboards, office, snug/guest bedroom, shower room, utility room, open plan kitchen diner. Whilst the first-floor accommodation will consist of 3no. bedrooms (one incorporating a walk-in wardrobe), family bathroom and airing cupboard.
71. Overall, it is considered that the design of the proposed dwellinghouse is quite modern and contemporary in nature. The case officer notes that the boundaries delineating the application site are heavily vegetated, which to a certain extent helps to screen the proposal and assimilate it into the wider environ. Nevertheless, the case officer still considers it prudent to attach a landscaping condition. It is reasoned that the design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. The area is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwelling will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the Framework and the Council's policy DM1.

Impact on Residential Amenity

72. Paragraph 135 (f) of the Framework 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 the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
73. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
74. It is acknowledged that the proposed dwelling will incorporate window openings on all elevations, some of which will serve habitable rooms.

However, the majority of these are secondary windows. Having regard to the scale and design of the proposal, as well as the separation distances between the proposed dwelling and surrounding residential properties—together with the existing boundary treatments—it is considered that the development would not give rise to any significant harm to the residential amenity of neighbouring occupiers through overbearing impact, overlooking, or overshadowing. Furthermore, it is noted that no objections have been received from neighbouring properties in response to the proposal. While the absence of objections is not, in itself, determinative, it is nonetheless a material consideration that supports the conclusion that the development would not result in unacceptable amenity impacts.

75. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect of noise, light, overlooking or privacy to the surrounding properties, neither would it have a significant overbearing impact.

Garden Size

76. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD2 advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the Framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
77. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m² minimum.
78. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of 100m². The proposed dwelling, therefore, could satisfy the outdoor amenity space requirements set out in the SPD2.

Technical Housing Standards

79. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard.
80. 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.

81. 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.
82. A two storey dwelling which would comprise three bedrooms accommodating either four or five people would require a minimum Gross Internal Floor Area (GIA) of 84m² or 93m² respectively. Additionally, the dwelling must have a minimum of 2.5m² of built-in storage.
83. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.
84. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 184.6m², and as such in terms of overall GIA the proposal way exceeds the minimum specified technical standards.
85. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No.1	17.7m ²
Bedroom No.2	10.7m ²
Bedroom No.3	14.3m ²

86. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Furthermore, it was noted that there was 5.8m² storage area identified on the submitted plans and as such the proposal exceeds the storage requirements.
87. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

88. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Refuse and Waste Storage

89. 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). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

Impact on Highway Safety

90. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
91. Essex County Council Parking Guidance (2024) requires that development provide off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application is deemed to have 'very low' connectivity and therefore for a 3- bedroom dwelling, 2No. parking spaces are required.
92. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
93. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no

objections are raised regarding parking. colleagues in Essex County Council Highway Authority have been consulted regarding the application and state *“The proposal includes demolition of the existing dwelling and creation of a replacement dwelling. The proposal will share the existing vehicle access which shall be improved and provided as detailed on the associated approved planning application 24/00848/FUL. However, the access is also included in this application, therefore this recommendation repeats the condition relating to the access. Off-street parking and turning is retained. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable”*.

94. The Highways Engineers have outlined that they have no objection to the application subject to the imposition of conditions relating to the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, reception and storage of materials, no unbound materials, and standard informatives.
95. Essex County Council Highways Authority has thoroughly reviewed the proposed development and raised no objections regarding the access and egress arrangements, despite the fact that two dwellings will be utilizing the same junction. The current proposal involves the replacement of an existing dwelling, with the recently approved dwelling under application 24/00848/FUL also relying on the same access point. While this results in an increase in vehicular movement at the junction, the Highways authority has concluded that the intensification, in terms of traffic movements, is not of such significance as to create unacceptable congestion or highway safety concerns (subject to the imposition of the aforementioned conditions). The access/egress arrangements have been deemed adequate to accommodate the vehicular movements generated by both the replacement dwelling proposed and the recently approved property as a result of subdivision of the plot. Furthermore, it is noted that the development will not lead to a dramatic change in the site's overall use, meaning that the anticipated vehicular flow remains within manageable limits. The proposal is considered to comply with the relevant policies in the Development Management Plan and the Framework concerning parking and access. As such, there is no sufficient justification to refuse the application on highways or access grounds.

Landscape

96. Policy DM25 of the Council's Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

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

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

97. It is acknowledged in this instance that there are some vegetation and trees located around the periphery of the plot which would potentially be impacted by the development. These are indicated on submitted plans. Notwithstanding this, however, the Case Officer checked the Council's GIS mapping and these trees do not appear to be protected by way of TPO. The application site is not located within a Conservation Area and as such these trees are not protected. The applicant would not need prior approval from Rochford District Council to remove these trees. Having regard to this, no further consideration of the impact on trees is considered necessary and the proposal complies with Policy DM25.

Flooding

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

Drainage

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

Impact on Listed Building

100. The application site does not contain any designated or non-designated heritage assets. However, it is located immediately to the west of *Leon Cottage*, a Grade II listed building (List Entry Number: 1112634), and therefore the potential for impact on the setting and significance of this designated heritage asset has been carefully considered.
101. Given the proximity of the proposal to *Leon Cottage*, the Local Planning Authority sought specialist input from the Conservation Officer at Essex County Council Place Services. In earlier correspondence dated 24 April 2025, concerns were raised regarding the scale and massing of the proposed dwelling and the potential for adverse effects on the listed building's significance, particularly in relation to its setting.
102. To re-evaluate the proposal, a site visit was undertaken on 16 May 2025. During this visit, it was acknowledged that the existing topography and established boundary vegetation provide a degree of natural screening between the application site and *Leon Cottage*. Nevertheless, it was recommended that amendments be made to the scheme to reduce the ridge height of the proposed dwelling and to increase the separation distance from the boundary of the garden to *Leon Cottage*.
103. In response, revised drawings were submitted to reflect these recommendations. Upon review of the amended proposal, the Conservation Officer confirmed that the revised scheme satisfactorily addresses the previous concerns. It is their professional opinion that the proposed development as has been revised would not result in harm to the significance of *Leon Cottage*, either through physical proximity or visual intrusion.
104. Accordingly, the proposal is considered to preserve the special architectural and historic interest of the listed building, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the development is deemed to comply with the heritage policies set out in the Framework, which requires that great weight be given to the conservation of designated heritage assets and their settings.

On-site Ecology

105. The ecological implications of the proposed development have been considered in the context of both national and local policy. Paragraphs 192 to 199 of the Framework emphasise the importance of conserving and enhancing biodiversity, including the need to avoid significant harm to habitats and species of importance. Where adverse impacts are unavoidable, appropriate mitigation or compensation should be secured. Policy DM27 of the Rochford District

Council Development Management Plan further requires that development proposals give full consideration to the potential impact on biodiversity, including both habitats and species protected under UK and local conservation frameworks.

106. In addition, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a statutory duty on public authorities to have regard to the purpose of conserving biodiversity. Section 41 identifies species and habitats of principal importance for biodiversity conservation in England, many of which are relevant in the local context. The production of the Publicly Available Specification (PAS 2010) by the British Standards Institute has further clarified the expectations on local authorities in assessing biodiversity impacts, encouraging consistency and transparency in the ecological appraisal process.
107. The application is supported by an ecological assessment in the form of a bat survey, prepared by John Dobson (Essex Mammal Surveys), dated October 2024. The survey concluded that there was no evidence of bat roosting activity within the application site, and as such a European Protected Species Licence is not required. Whilst the site itself does not support bat roosts, the report notes that foraging activity by bats from nearby roosts—specifically, two species recorded at St. Nicholas' Church approximately 400m east - may occur across the site and adjacent gardens. This level of activity is expected to continue post-development and is not considered to result in significant harm to local bat populations.
108. The site, apart from the built structure surveyed, comprises a managed domestic garden, consisting of regularly mown grass, ornamental shrubs, and hardstanding. This habitat is of limited ecological value and is considered unlikely to support other protected species.
109. However, the submitted ecological report includes a number of recommendations to enhance site biodiversity in line with national policy objectives to secure measurable net gains. These measures include:
- Retention of boundary gaps to maintain foraging corridors for hedgehogs and common toads. The creation of small access points (minimum 13cm x 13cm) at the base of fences is recommended to facilitate wildlife movement and reduce habitat fragmentation.
 - Provision of bird nesting boxes, with at least two boxes to be installed on existing trees or structures to support avian biodiversity.
 - Installation of a hedgehog nesting box at the base of the site's boundary to encourage sheltering opportunities.
 - Introduction of two solitary bee hives, constructed from FSC-certified durable timber and designed to attract non-swarming pollinators such as Red Mason and Leafcutter bees. These should

be sited in a sunny, sheltered location with proximity to soil and flowering plants to maximise effectiveness.

110. These enhancement measures are proportionate to the scale and nature of the development and contribute positively to the site's ecological function. In order to secure their implementation, a planning condition will be imposed requiring the applicant to deliver the above biodiversity enhancements prior to occupation of the development.
111. In light of the evidence submitted and subject to the imposition of an appropriately worded condition, the proposed development is not considered to result in significant adverse ecological impacts. Furthermore, the integration of habitat enhancement measures aligns with the objectives of Paragraphs 180–182 of the Framework, the statutory duties under the NERC Act 2006, and the local requirements of Policy DM27. The proposal therefore complies with both local and national policy in respect of biodiversity and ecological conservation.

Off Site Ecology

112. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
113. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

114. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

115. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. However, as the proposal is for a replacement dwelling in this case the impact would be neutral and a RAMs payment is not required in this instance.

BNG

116. 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.

117. 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 and 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 one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis

development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.

118. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative 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

119. 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.
120. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
121. 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

122. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council : No adverse comments so long as the proposals meet the relevant green belt policies.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, reception and storage of materials, no unbound materials, and standard informatives.

Essex County Council Place Services specialist conservation advice: No objections subject to conditions relating to materials and landscaping.

Essex County Council Place Services Archaeology: The Historic Environment Record shows no known archaeological recorded deposits within the area of the proposed development. Based on our present knowledge the proposed development would have no archaeological implications. Therefore, no recommendations are being made on this application.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 as amended February 2025).

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

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

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: 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 TPA-P1-ZZ-DR-A-1100 Revision CO2 (Proposed Elevations, Floor Plans and Roof Plan) (as per date stated on plan 23rd

November 2024), TPA-P1-ZZ-DR-A-3100 Revision C02 (Proposed Sections) (as per date stated on plan 1st November 2024), TPA-P1-XX-DR-A-0100 Revision C02 (Proposed Block Plan) (as per date stated on plan 1st November 2024), TPA-P1-ZZ-DR-A-1105 Revision C01 (Proposed Outbuilding) (as per date stated on plan 8th February 2025, TPA-P1-ZZ-DR-A-0150 Revision C01 (Master Plan) (as per date stated on plan 9th February 2025 and TPA-00-XX-DR-A-0001 Revision C01 (Location Plan) (as per date stated on plan 1st October 2024).

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. Notwithstanding the details shown on the approved plans, no development involving the use of any external facing or roofing materials shall commence until full details of those materials have been submitted to and approved in writing by the Local Planning Authority. These details shall include the type, colour, and finish of all external materials, including windows and doors. The development shall be carried out strictly in accordance with the approved materials, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the development is of a high standard and appropriate to its context, in accordance with Policy DM1 of the Council's Development Management Plan, and to safeguard the setting of the adjacent Grade II listed Leon Cottage.

4. Prior to their first use, details of the positions, design, materials and type of boundary treatment to be erected in association with the development shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

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

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

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;

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

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

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

6. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place unless a dimensioned tree protection plan and arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The submitted method statement shall include (but not be limited to) information about precautions and methods to minimise damage to existing tree(s) during the alteration/installation/renewal of any services and hard surfacing near to retained tree(s) and also details of precautions and protection measures to be put in place to minimise damage to retained tree(s) during construction activities such as access to/from the site.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within

these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development in the locality and to retain the amenity afforded to the area by existing trees.

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

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant shall implement the scheme in accordance with the surface water drainage hierarchy outlined above.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C, D 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 openness of the Green Belt.

9. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveway of the development, which shall include either porous materials or details of sustainable urban drainage measures shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of the hard surfaces to form the driveway. The development shall be carried out in accordance with the approved details.

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

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

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

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

11. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Preliminary Ecological Appraisal report (Johns Associates, March 2023), shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

12. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats
- b) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- c) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

13. All ecological mitigation and enhancement measures shall be implemented in full accordance with the recommendations set out in the Bat Survey Report prepared by John Dobson (Essex Mammal Surveys), dated October 2024, submitted as part of the planning application. The approved measures shall be fully implemented prior to commencement of the development (or in accordance with the agreed timetable set out within the report) and shall be retained and maintained thereafter.

REASON: To ensure the conservation of protected and Priority species and habitats, and to enable the Local Planning Authority to discharge its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

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

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

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

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

16. Prior to first beneficial use of the development and as shown in principle on the plan TPA-P1-ZZ-DR-A-0150 Rev C01, the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge. Final layout details to be agreed with the Highway Authority.

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

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

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

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

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

The local Ward Members for the above application are Cllr. S. Wootton, Cllr. Phil Shaw and Cllr. Mrs. L. Shaw.

Application No :	25/00264/FUL Zoning : Existing open space
Case Officer	Mr Richard Kilbourne
Parish :	Great Woking Parish Council
Ward :	Foulness And The Wakerings
Location :	Burroughs Park Little Woking Hall Lane Great Woking
Proposal :	Siting of a metal shipping container for storage use associated with the use of the site as a football club.

SITE AND PROPOSAL

1. The application relates to Burroughs Park, a football club situated directly adjacent to Little Woking Hall Lane, on the north side of Great Woking. Planning permission is sought for the siting of a metal shipping container, to be used for ancillary storage purposes in association with the operational needs of the football club. As indicated on the submitted plans and application forms, the proposed container would be positioned on an existing area of hardstanding within the club's car park. Moreover, the proposal would be situated immediately adjacent to a similar container.
2. The site is bounded by a mix of land uses. To the south lie allotment gardens, while to the east is Little Woking Hall Lane, beyond which further allotments are situated. The northern boundary comprises the remainder of the car park and the main clubhouse building, while to the west lies the football pitch.
3. The application site is allocated existing open space but is outside the boundaries of the designated Metropolitan Green Belt immediately to the north.

RELEVANT PLANNING HISTORY

4. Application No. 03/00166/FUL - Extend Both Existing Spectator Stands, Erect Toilet Building and Turnstile Block (to upgrade ground facilities) – Approved - 29.05.2003.
5. Application No. 02/00417/FUL - Replace 17m Floodlight Tower with 20m Monopole Mounting Floodlights and Telecommunications Equipment, Namely: 3 x OPCS Antennae and 4 x 600mm Dish Antennae, Ancillary Ground Equipment and Compound – Approved - 26.09.2002.
6. Application No. 01/00288/FUL - Erect Two 16m Floodlighting Masts to Provide Additional Floodlighting. (4 x 2000w Lights Each) – Approved - 10.01.2002.

7. Application No. 01/00522/FUL - Variation of Condition 2 of Permission F/0637/92/ROC to Allow Use of Floodlighting on Three Occasions Per Week Within Following Times: Tues-Fri 6.45pm - 10.00pm, Sat 3.00pm - 6.00pm – Approved - 10.01.2002.
8. Application No. 99/00695/FUL - Remove Condition 3 Attached to Permission 99/133/FUL (Prohibiting Amplified Music/Speech and Public Address) – Approved - 10.02.2000.
9. Application No. 99/00168/FUL -Replace 17m High Lighting Tower With One 20m High Telecommunications Tower With 3 Cross Polar Antennae and Two Dish Antennae, plus one Radio Equipment Cabin – Withdrawn - 07.04.1999.
10. Application No. 99/00133/FUL - Erect Covered Terracing and Toilet Block – Approved - 17.06.1999.
11. Application No. 92/00637/FUL - Erect Four 16m High Galvanised Steel Columns Each With 4 x 2200 Watt Floodlights – Approved - 10.01.1996.
12. Application No. 91/00717/FUL - Erect steel framed covered spectator enclosure – Approved - 31.12.1991.
13. Application No. 90/00845/FUL - Single Storey Side Extension for Changing Room Facilities – Approved - 18.01.1991.
14. Application No. 87/00388/FUL – Erection of Building to Accommodate Changing Facilities and Function Room – Approved - 19.01.1987.
15. Application No. 85/00866/COU – Change of use from Allotments to Sporting Recreation (Football) – Approved - 21.03.1986.

MATERIAL PLANNING CONSIDERATIONS

16. 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.
17. 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).

Assessment

18. Policy DM16 of the Council's Development Management Plan refers to playing pitches and other leisure and recreational facilities. The

aforesaid policy confirms that where additional permanent facilities associated with the provision of playing pitches and recreational activities will be required, they will be permitted provided that: -

- (a) They are small scale and it can be demonstrated that such facilities are essential for the functioning of the activity
- (b) They are suitably located as to minimise the impact on amenity for neighbouring properties; and
- (c) Ancillary facilities are modest in size, bulk and height to ensure minimal impact on the Green Belt

19. In light of the aforementioned policy, the applicant states that the proposed container is necessary for the storage of storing sports equipment. Furthermore, given the scale and nature of the proposal and the intervening boundary treatment and separation distances the proposal will not have a significant impact on neighbouring residential amenity. The subject site is relatively modest in its size, bulk and height and is not situated within the Green Belt. In the opinion of the case officer, the proposal broadly complies with the aims and objectives of policy DM16. The proposal would neither conflict with Policy CLT5 of the Council's adopted Core Strategy which protect existing public or private open spaces.

Design

20. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the streetscene by reason of scale, height, proportions or materials used.
21. Guidance advocated within the National Planning Policy Framework (2024) (the Framework) places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “...*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*” (para 134). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. Furthermore, this point expanded in Policy DM1 of the Council's Development Management Plan (2014), which states that “*Design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative*”.
22. The proposed development involves the installation of a steel storage container measuring approximately 2.5m in width, 3m in length, and 2.4m in height, resulting in a footprint of around 7.5m². The container is

to be located on an existing area of hardstanding within a car park, immediately adjacent to a similar, pre-existing steel storage container which is painted green. While the colour of the proposed container has not been specified in the application, it is considered appropriate to impose a condition requiring it to be painted green in order to ensure visual consistency with the existing container and to help the structure assimilate more effectively into the surrounding environment.

23. The container is intended to be used for the storage of sports equipment and other related items, and no additional external lighting has been proposed as part of the application. While the structure will exhibit a strictly functional and utilitarian appearance, its modest, single-storey scale and siting alongside an existing container will serve to reduce its visual prominence. Furthermore, the western boundary of the site is screened by a timber fence approximately 1.8m in height, topped with a net, which provides a degree of visual containment from nearby viewpoints. On the opposing side of this boundary treatment is Great Wakering Rovers Football Club. The container will be utilised to store sports equipment for this football club.
24. The proposed container will be visible from the adjacent allotments to the east; however, there is a separation distance of approximately 34m between the container and the allotments. This buffer is considered sufficient to mitigate any potential negative impact on the amenity or character of the adjoining land. In addition, the nearest residential properties are situated approximately 90m to the south-east of the site, a distance which is considered adequate to avoid any direct impact on residential amenity.
25. Overall, the proposal is regarded as modest in scale and sympathetic in context, particularly given its proximity to existing structures and boundary screening. The site is not located within the Green Belt, and the development will not contribute to urban sprawl nor adversely affect the openness or rural character of the area. To maintain control over future visual impact, it is recommended that a condition be imposed requiring the container to be removed once it is no longer required. Subject to these conditions, the proposed development is considered acceptable in planning terms.

Impact on Residential Amenity

26. Paragraph 135 (f) of the Framework 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.

27. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
28. The storage container would be sited away from the common boundary and would have a modest height and scale, meaning there would be a minimal impact upon the neighbouring property. Consequently, it is considered, the nature and scale of the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties and the intervening boundary treatment and uses. The proposal is compliant with policy DM1 of the Development Management Plan.

Highways

29. Policy DM1 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
30. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
31. According to the submitted plans and accompanying planning application forms the applicant confirms that the access and egress arrangements into the site remain unaltered. Moreover, the proposed container will be sited in the existing car park adjacent to a similar container, which is already in situ. According to the submitted planning application forms there will not be any NET loss of parking spaces should this application be approved. In any event the case officer considered it prudent to consult with colleagues in Essex County Council Highways Authority who have reviewed the submitted information and state *"The container will occupy a small area in the car park and ample off-street parking is retained within the curtilage. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.

32. There is no reason for the Local Planning Authority to take an alternative view and the proposal complies with the relevant policies contained within the Development Management Plan and the Framework, and as such there is insufficient justification to warrant a refusal.

Trees

33. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

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

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

34. There are no trees of significance located on or close to the proposed development which would be affected by the proposed works.

Biodiversity Net Gain

35. 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).

36. 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 and 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 one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.

37. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

On site ecology

38. Paragraph 180 of the Framework indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation to offset the identified harm is required. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
39. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
40. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
41. No ecological appraisal report has been submitted by the applicant in support of the proposal. However, following a review of the submitted plans and a site visit by the case officer, it is noted that the proposed siting of the container is on an area of existing hardstanding. This surface is devoid of vegetation and lacks any features typically associated with suitable habitats for protected species, such as hedgerows, mature trees, watercourses, or undisturbed ground. Furthermore, the site appears to be in active use, with limited ecological value due to its current form and function. Moreover, the

proposal is relatively minor in nature (the container has a footprint of approximately 7.5m²).

42. Overall, given the developed nature of the site, and the absence of any apparent ecological receptors, it is considered highly unlikely that the proposed development would result in harm to protected species or habitats. As such, in this instance, the lack of an ecological appraisal is not considered to be a constraint to determining the application, and the proposal is not expected to give rise to any adverse ecological impacts.

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 is 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

46. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Great Wakering Parish Council: No comments received.

Essex County Council Highways Authority: The container will occupy a small area in the car park and ample off-street parking is retained within the curtilage. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024)

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – Policy CP1, CLT5.

Rochford District Council Local Development Framework Development
Management Plan (December 2014) - Policies DM1, DM16, DM30.

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

The Essex Design Guide (2018).

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 shall be undertaken in strict accordance with the plans referenced Location Plan received by the Local Planning Authority on the 1st May 2025 and the Site Plan received by the Local Planning Authority on the 7th April 2025.

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. Notwithstanding the submitted application details the container hereby approved shall be finished in a green painted finish to be applied to the exterior of the container within 3 months of the installation of the container hereby approved and retained as such.

REASON: In the interests of visual amenity and the character of the locality.

4. The development hereby permitted shall be removed from the site within three months of the date when it ceases to be used for the purpose as described in the application.

REASON: To prevent the accumulation of an unused structure which would be detrimental to the character and appearance of the open space as a whole.

The local Ward Members for the above application are Cllr. D. S. Efde, Cllr. G. W. Myers and Cllr. Mrs. J. McPherson.

Application No :	25/00344/FUL Zoning : Retail
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Unit 2 Airport Retail Park Southend Airport
Proposal :	Installation of 2 No. new full height and 1 No. half-height shopfronts complete with automatic bi-parting entrance doors

SITE AND PROPOSAL

1. Unit 2 is located at Airport Retail Park, an established retail destination with 8,500m² of floorspace, with occupiers including Pets at Home, Dreams, Carpetright, Argos, Next, Home Bargains, B&M Bargains and Sports Direct. A McDonald's drive through restaurant is located adjacent the shared car park and facing Rochford Road.
2. The applicant's property is a 2-storey retail shed, which is located towards the north western edge of the Airport Retail Park. Located towards the front of the application site is a large car park, which serves this unit and other units on the retail park. Located at the rear of the premises is a service road and beyond that is Southend Airport. Immediately to the east of the application is another retail shed. At the time of the case officers site the applicant's property was vacant and was formerly occupied by "Carpetright".
3. The proposed development is for the installation of 2 No. new full height and 1 No. half-height shopfronts complete with automatic bi-parting entrance doors.

RELEVANT PLANNING HISTORY

4. Application No. 25/00343/ADV - High level internally illuminated sign to front elevation, replacement vinyls/panels to existing totem pole, replacement panels to existing sign beneath canopy and loading bay sign to rear elevation – Not Yet Determined.
5. Application No. 25/00352/FUL - The construction of a single storey flat roof extension to rear of premises, siting of AC plant to roof of extension with edge protection, creation of bin store at ground level, forming of 2 No. openings in external wall for AC pipework/vent grills, forming of new door opening etc. – Not Yet Determined.

6. Application No. 97/00486/ADV - Display of Two Internally Illuminated Signs and Four Internally Illuminated Poster Panels – Approved - 24.02.2000.
7. Application No. 97/00079/FUL - Internal Access Road Alterations (Including New Roundabout) as a Revision to Previously Approved Scheme RM/0341/96/ROC – Approved -15.05.1997.
8. Application No. 97/00017/REM - Construction of Non-Food Retail Warehouse, Garden Centre and 450 Space Car Park (Reserved Matters - Amended Scheme) – Approved - 10.03.1997.
9. Application No. 96/00341/REM - Construction of Non-food Retail Warehouse, Garden Centre and 450 Space Car Park (Duplicate Application) Land Adjacent Warners Bridge, Eastern Side – Approved - 17.10.1996.
10. Application No. 96/00442/FUL - Site Remediation (Decontamination) and Services (Utilities) Diversion Works (Engineering Operations Pursuant to Applications RM/0340/96/ROC and RM/0341/96/ROC for Retail Warehouse, Garden Centre and Car Park) Land Adjacent Warners Bridge Eastern Side – Approved - 16.10.1996.

MATERIAL PLANNING CONSIDERATIONS

11. 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.
12. 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).

Procedural Matters

13. As previously noted, this application relates solely to the installation of two new full-height and one half-height shopfronts, each fitted with automatic bi-parting entrance doors. While the submitted plans also indicate a proposed mezzanine floor, this element will be the subject of a separate planning application. Accordingly, if planning permission is granted for the current proposal, in the interests of clarity a condition will be included in the decision notice to clarify that no permission is granted for the mezzanine floor shown on plan reference: *Warehouse Layout* (dated 3rd October 2024).

Principle of Development

14. Policy CP1 to the Council's Core Strategy seeks to ensure that new development contributes to sustainable development objectives, improves the quality of the built environment, and promotes high-quality design. Policy DM1 to the Council's Development Management Plan requires all development proposals to respect and enhance the character of the site, its setting, and surrounding area. Moreover, this policy supports alterations to existing buildings, including commercial premises, provided they result in improvements to appearance, function, and relationship with the public realm.
15. Material considerations also include the National Planning Policy Framework (2024 as amended February 2025) (the Framework) which places significant weight on the importance of good design, the need to create high-quality places, and development that is sympathetic to local character and history.
16. Additionally, the Council's Supplementary Planning Document (SPD4) Shopfronts Security and Design sets out expectations for shopfront alterations. It encourages designs that improve legibility, reinforce the character of the host building, and reduce visual clutter or over-dominant features.
17. In this policy context, the proposed replacement of the shopfront serving a retail unit within an established retail park is considered acceptable in principle. The proposed use remains retail and does not involve any change in land use or intensification. The proposal must therefore be assessed on its detailed design merits and its impact on the character and appearance of the building and surrounding area.

Impact on the Character and Appearance of the Area

18. The character and visual quality of the built environment are fundamental considerations under Policies CP1 and DM1. These policies collectively aim to secure development that respects the identity of local areas and contributes positively to the townscape. While the Airport Retail Park does not sit within a conservation area and is not host to any listed buildings, it remains essential that alterations respond appropriately to the context in terms of scale, proportions, and materials.
19. The application site is a modern commercial unit constructed in a simplified architectural style. It is typical of late-20th-century retail warehousing, with a large footprint, simple massing, and a focus on functional access and visibility. These characteristics define the wider visual context, which is not architecturally sensitive but remains a prominent and well-used commercial area. In such environments, the quality and consistency of design can significantly influence public perception and user experience.

20. The proposed alterations are modest in scale but have been designed to create a more cohesive and modernised shopfront. The removal of brickwork either side of the existing central doorway and its replacement with vertically-aligned glazed panels will improve transparency at street level and better reflect contemporary retail design standards. Above these areas, the replacement of the existing signage zone with additional glazing contributes to a streamlined and coherent elevation, enhancing the rhythm and symmetry of the façade.
21. The replacement of the existing signage above the primary access point with additional glazing and the installation of new automatic bi-parting doors will result in a more inviting and legible customer entrance. These measures are fully in accordance with the SPD guidance, which encourages clear entrances, the reduction of visual bulk, and the introduction of modern materials such as glass that reflect natural light and reduce perceived massing.
22. While the signage component of the proposal is not assessed under this application (as it is the subject of a concurrent advertisement consent application, Ref. 25/00343/ADV), its omission does not materially affect the assessment of the shopfront design in terms of built form. Should the signage be approved in due course, it will be integrated into a shopfront that has been specifically designed to accommodate it in a balanced and proportionate manner.
23. Overall, the proposal enhances the appearance of the commercial unit without eroding its architectural coherence or introducing unsympathetic features. The increased glazing provides a visual connection between the interior and exterior, aligns with modern retail design expectations, and does not result in the loss of any historic or architecturally significant elements.
24. In conclusion, the development is considered to comply with Policy CP1 of the Core Strategy and DM1 of the Development Plan, the relevant objectives of the NPPF, and the detailed guidance contained within the *Shopfronts Security and Design* SPD. The proposal represents an appropriate and well-considered intervention that respects the scale and character of the host building and its setting within a modern retail environment.

Impact on Residential Amenity

25. Paragraph 135 (f) of the framework 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. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.

26. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
27. In assessing this application, specific regard has been given to the proximity of neighbouring residential uses. The Council's GIS mapping confirms that the nearest residential properties lie to the south of the application site, at a distance exceeding 100m. This is considered a substantial separation buffer, significantly reducing the likelihood of adverse effects such as direct overlooking, loss of privacy, or undue visual intrusion. Furthermore, the presence of an intervening commercial building between the application site and the residential properties in question provides a degree of physical and visual screening. This built form acts as a barrier that would further limit any potential intervisibility between the proposed development and residential receptors.
28. Moreover, the site is fronted by a large surface-level car park, which itself provides spatial separation between the proposed works and any surrounding land uses. This car park is further supplemented by mature landscaping and tree planting along the site boundaries, which serve both an aesthetic and functional purpose in screening the site and softening its visual impact. The mature vegetation and existing boundary treatments are considered to play a key role in mitigating any residual impact that might arise from the proposed development, particularly in relation to visual amenity and outlook.
29. It is also relevant to consider the nature and scale of the proposed development, which involves the installation of two new full-height shopfronts, one half-height shopfront, and automatic bi-parting entrance doors. These are relatively modest interventions in terms of their physical scale and operational characteristics and are not anticipated to give rise to increased noise, disturbance, or late-night activity that might otherwise affect residential amenity. The proposed works are consistent with the character and function of the existing retail environment, and do not include any intensification of use that would materially alter the relationship between the site and nearby residential properties.
30. In conclusion, when assessed against the relevant development plan policies and national planning guidance, the proposal is not considered to result in any demonstrable harm to the amenity of neighbouring residential occupiers. The combination of substantial separation

distances, intervening built form, existing landscaping, and the limited physical scope of the development all serve to minimise any adverse externalities. Accordingly, the proposal is considered to comply with Policies DM1 and DM3 of the Development Management Plan (2014) and guidance advocated within the NPPF.

Impact on Highway Safety

31. Policy DM1 of the Development Management Plan requires sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
32. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
33. There are no material highway implications associated with this proposal. The proposal would therefore be in accordance with the parking standards as set down in Parking Standards Design and Good Practice Supplementary Planning Document and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

Equalities and Diversity Implications

34. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
 - To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
35. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
36. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

37. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Neighbour representations : No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 as amended February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policy CP1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policy DM1.

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

Supplementary Planning Document 4 – Shopfront 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 development hereby permitted shall be carried out in complete accordance with the following approved plans Warehouse Layout (Proposed Elevations and Floor Plans) (as per date stated on plan 3rd October 2024) and the Location and Block Plan (as per date stated on plan 15th April 2025).

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. Notwithstanding the details shown on the submitted plans, including plan reference “Warehouse Layout” dated 3rd October 2024, this permission does not grant consent for the installation of any mezzanine floor. A separate planning application must be submitted and approved by the Local Planning Authority prior to the installation or use of any mezzanine floor within the premises.

REASON: To ensure clarity regarding the scope of this permission and to enable the Local Planning Authority to fully assess the impact of any proposed mezzanine floor in accordance with relevant planning policies and any other material planning considerations.

The local Ward Member(s) for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.

Application No :	25/00341/FUL Zoning : Employment
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	First Floor Above Unit 7 Eldon Way Hockley
Proposal :	Change of Use from Class E(d) (Indoor Sport - Airsoft Arena) to Class E(d) (Indoor Sport - Group Training Facility).

SITE AND PROPOSAL

1. The application site is located wholly within the Eldon Way Industrial Estate, Hockley. This part of Hockley is defined largely by the area's light industrial uses. The buildings here are predominately commercial in character, mainly taking the form of bulky two to three storey industrial sheds. The public realm and building frontages are dominated by parking and service areas.
2. As previously stated, the site is within existing employment land in Hockley and in the area covered by the Hockley Area Action Plan. The host site is a two-storey industrial building. To the front of the building is an extensive area of hardstanding which can accommodate several vehicles. The applicants property is flanked on either side by other commercial/industrial premises. Whilst to the rear the subject site backs on to the rear gardens of residential properties.
3. The proposal is for a change of use from Class E(d) (Indoor Sport - Airsoft Arena) to Class E(d) (Indoor Sport - Group Training Facility) at first floor above unit 7 Eldon Way, Hockley.

RELEVANT PLANNING HISTORY

4. Application No. 14/00673/FUL - Proposed Change of Use from Snooker and Pool Private Members Club to Use Within the D2 Use Class (Assembly and Leisure) for an Airsoft Arena (Recreational Sports Game) – Approved – 13th November 2014.

MATERIAL PLANNING CONSIDERATIONS

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

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

Background Information

7. The proposed development seeks to retain a Class E(d) use, supporting employment, health, and wellbeing. As such, it aligns fully with the objectives of the Local Development Plan and the National Planning Policy Framework (NPPF).
8. The premises were previously used under the former D2 (Assembly and Leisure) use class as an Airsoft Arena (Recreational Sports Game).
9. A planning application (Ref: 14/00673/FUL) was approved for a change of use of the first floor above Unit 7, Eldon Way, Hockley, Essex, from a snooker and pool private members club to an Airsoft Arena within the D2 use class.
10. Following the update to the Use Classes Order, the D2 use class has since been reclassified as Class E(d). Although planning permission is no longer required for a change of use within the same class, Condition 02 of the 2014 approval restricts flexibility, stating:

“The site shall only be used as an airsoft arena and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted”.

11. This application seeks formal approval for a change of use from the now-vacant Class E(d) Airsoft Arena to a Class E(d) group training facility. The proposed use remains within the same use class and continues to serve the core function of indoor sport and recreation.

Proposal Summary

12. As previously stated, the application seeks planning permission for the change of use of the first floor at Unit 7 Eldon Way, Hockley, to accommodate a specialist group training facility operated by the applicant—30+ Health and Performance. The applicant is an established provider of health and fitness services currently based at No.1 Eldon Way and proposes to relocate to larger premises to support business growth and service expansion.
13. The new facility will offer improved internal layouts and space, allowing for the future integration of additional services such as massage and

physiotherapy (also under Class E use). No external structural alterations are proposed beyond aesthetic improvements and new signage, which will be the subject of a separate advertisement consent application.

14. The existing operation at No.1 Eldon Way serves approximately 160 members and hosts up to 28 group training sessions weekly (Monday to Saturday), with the premises closed on Sundays. Sessions typically occur during off-peak times: 6:00am, 7:00am, 9:30am, 5:15pm, 6:15pm, and 7:15pm. Each session is limited to 12 participants and led by a single trainer. The facility currently remains closed between 10:30am and 4:30pm.
15. Under the proposal, the applicant intends to retain this model (removing the 9:30am class due to low demand) while using the increased space to offer bespoke small-group training and individual health services during daytime hours. The premises will retain four off-street parking spaces, considered sufficient due to the staggered nature of the sessions and low staffing levels. Internal cycle storage is proposed under the entrance stairwell to encourage sustainable travel. Most members are local residents, and the site benefits from its sustainable, well-connected location.

Principle of Development

16. The site lies within the designated Employment Zone and the core area of the Hockley Area Action Plan (HAAP), located in the Eldon Way Industrial Estate and accessed via Spa Road. According to Chapter 6 of the National Planning Policy Framework (NPPF), planning should support sustainable economic growth, with paragraph 85 highlighting the importance of allowing businesses to invest, expand, and adapt. Significant weight is therefore given to proposals that contribute to economic productivity.
17. The Council's Core Strategy promotes the redevelopment of the Eldon Way Industrial Estate to accommodate a suitable mix of employment uses. Policy ED1 encourages development that supports business diversification, modernisation, and high-value employment while maintaining consideration for environmental and residential impacts. Additionally, Policy ED3 supports the protection of existing employment-generating sites and acknowledges the potential for mixed-use redevelopment of the estate under the HAAP.
18. The site specifically falls within the *Eldon Way Opportunity Site*, which advocates for a mix of uses while retaining some leisure and employment functions.
19. Policy DM32 of the *Development Management Plan* sets out that employment development should primarily be within Use Classes B1

(Business) and B2 (General Industrial). However, alternative uses may be supported having regard to:

- (i) the number of jobs likely to be provided;
- (ii) the viability of retaining B1 and B2 uses;
- (iii) the compatibility with existing uses;
- (iv) the impact on the vitality and vibrancy of the District's town centres;
- (v) the proportion of alternative uses present; and
- (vi) wider sustainability issues (such as available transport methods)

20. Although the proposal does not fall within B1, B2, or B8, there is precedent for leisure uses on the estate, including a bowling alley and the former Hockley Airsoft Arena—both of which were granted consent. The application site currently holds permission for use as an Airsoft Arena (Class E[d], formerly D2), subject to a condition restricting the use to airsoft activity only. The proposed use remains within the same class and therefore does not result in any net loss of industrial employment space.

21. Moreover, the premises (Airsoft Arena) is currently vacant and bringing it back into use is a material planning consideration. The new operation is expected to create two full-time and four part-time jobs. Given the site's sustainable location and minimal impact on local centres, the proposal aligns with the objectives of sustainable development.

22. In conclusion it is considered that the proposal supports economic growth and employment creation in accordance with national and local planning policy. It promotes health and wellbeing in the community, reactivates a currently unused unit, and remains compatible with existing leisure uses already established in the vicinity. In line with HAAP guidance, which explicitly supports the integration of leisure uses in the Eldon Way Opportunity Site, the application is considered acceptable in principle - subject to compliance with other relevant development plan policies.

Design

23. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

24. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development

positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative’.

25. This application seeks full planning permission for a change of use of the subject property. The proposal does not entail any external alterations to the building's appearance or footprint, as clearly indicated in the submitted architectural plans and the accompanying planning statement. The external character of the property will therefore remain consistent with the existing commercial streetscape, preserving the visual amenity of the area.
26. The existing internal layout comprises a large open arena along with several ancillary rooms, including a bar, range, office, and storeroom.
27. However, the current internal configuration does not meet the operational requirements of the applicant. As such, a number of modest internal alterations are proposed to facilitate the intended new use. The arena will be reduced in size through the installation of stud partition walls, creating two group training studios and a storage room. Within the former range area, a new partition will divide the space so that approximately two-thirds will be repurposed as an office/staff room, and the remaining third will serve as a massage room.
28. The former bar area will be reconfigured to accommodate two physiotherapy rooms, while a new reception area and additional storage spaces will also be introduced. The existing briefing room will be converted into an assessment room. Importantly, the current toilet facilities and staff kitchen will remain unchanged.
29. At ground floor level, adjacent to the main stairwell leading to the first floor, a secure and sheltered cycle rack accommodating up to four bicycles is also proposed.
30. Overall, the proposed alterations are considered minor in nature, involve no structural changes, and will not materially impact the external fabric or appearance of the building.
31. Considering the above, there are no objections from a design perspective as there would be no significant changes to the character or appearance of the building from the surrounding area and as such the proposal complies with policy DM1 and guidance advocated within the NPPF.

Impact on Residential Amenity

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. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
34. It is considered that the proposal will have some impact on amenity in terms of the arrival and departure of additional vehicles on a frequent basis to the site (exacerbated in terms of the number of vehicular movements per hour and potential arrivals / departures at sensitive times such as evenings and at weekends), noise from associated activity such as the closure of vehicle doors, chatting of patrons and vehicle radios, and music noise from the building itself.
35. However, Eldon Way Industrial Estate is a long-standing industrial estate and although borders some residential areas, the building has been in existence for many years. This is reflected by its allocation as employment land. Furthermore, the case officer noted that ambient noise levels were already quite high in the immediate locality due to the existing commercial enterprises on Eldon Way and given that neighbouring roads are heavily trafficked.
36. Given the nature and scale of the proposed development, its location and separation distances from neighbouring residential properties the proposal is not considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over-dominance unchanging the existing situation and relationships. The proposal is compliant with DM1 of the Development Management Plan.

Noise

37. The National Planning Policy Framework (NPPF) provides a clear directive regarding the management of noise in planning decisions. Paragraph 180(e) stipulates that planning policies and decisions should prevent both new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Furthermore, paragraph 191 underscores that planning decisions must ensure new development is appropriate for its location by considering the likely effects of pollution—both direct and cumulative—on human health, residential amenity, and the natural environment. Crucially, this paragraph also

calls for particular attention to the sensitivity of the site and surrounding area to potential noise impacts, and the need to:

- Mitigate and reduce to a minimum adverse noise impacts arising from new development;
- Avoid noise generating significant adverse effects on health and quality of life; and
- Identify and protect areas valued for their relative tranquility and low ambient noise levels.

38. In the context of the proposed development, the application site is located within an established industrial and commercial area, situated near the core of Hockley town centre. As such, the site is subject to relatively high baseline noise levels, arising from surrounding land uses, vehicular traffic, and general commercial activity. The site's location within this predominantly non-residential context provides a degree of resilience to operational noise, and any additional noise generated by the proposed use must be assessed in light of this ambient backdrop.
39. Nonetheless, representations received from local residents raise legitimate concerns regarding the potential emission of amplified music and whether such noise, if unregulated, could propagate into nearby residential areas, adversely affecting amenity. These concerns are particularly relevant given the proximity of several dwellings located within a short radius of the site. It is recognised that noise perception is influenced not only by decibel levels but also by tonal characteristics, duration, and frequency—factors particularly relevant in the case of music and voice amplification, which can be intrusive even against a relatively noisy backdrop.
40. While the proposed internal reconfiguration does not inherently indicate intensive noise-generating uses, the potential for amplified sound—especially within group training studios or physiotherapy rooms where music may be used—cannot be ruled out. In light of this, it is necessary to ensure that any such noise emissions are appropriately controlled, both to align with NPPF guidance and to safeguard the amenity of nearby occupiers.
41. Given these considerations, the case officer concludes that the imposition of a planning condition regulating the use and timing of amplified music would be both reasonable and necessary. Such a condition would serve to limit potential adverse impacts by restricting music to specific hours and/or to internal areas with adequate sound insulation. This approach represents a proportionate response that balances the operational needs of the applicant with the legitimate amenity expectations of neighbouring residents.
42. In addition, it may be appropriate to require that any future sound amplification systems be subject to a noise management plan or

acoustic assessment, particularly if operational hours extend into evenings or weekends. This would ensure continued compliance with acceptable noise thresholds and reinforce the principle of good acoustic design, as encouraged by national planning policy and associated guidance.

43. Overall, the proposed use is not inherently incompatible with the locality; however, the inclusion of specific noise mitigation measures through planning conditions is essential to ensuring the development does not result in unacceptable noise impacts and remains consistent with the aims of the NPPF and the wider objective of achieving sustainable, healthy, and well-integrated communities.

Highways and Parking Considerations

44. The transport and highways implications of the proposed development must be assessed in accordance with both local and national planning policy frameworks. Policies DM1 and DM30 of the Rochford District Council Development Management Plan (DMP) establish that development proposals must provide sufficient off-street parking provision and demonstrate that they would not prejudice highway safety, accessibility, or the free flow of traffic. In parallel, paragraph 116 of the NPPF states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

45. The submitted plans confirm that the existing vehicular access arrangements will remain unaltered, with access taken directly from the estate road. There are four existing off-street car parking spaces located to the front of the premises, and these will be retained without modification. No new car parking is proposed, nor is any reduction in provision intended.
46. Essex County Council, in its capacity as Highway Authority, has reviewed the submitted details and raised no objection to the proposal. In their formal response, the Authority notes that while the site has limited off-street parking, it benefits from a sustainable location within walking distance of Hockley Town Centre, which offers frequent public transport connections. The Highway Authority has also noted the presence of existing parking controls on the surrounding road network, which limit the scope for indiscriminate or unsafe parking, thereby reducing the potential for adverse cumulative effects.
47. Furthermore, the development includes the introduction of a secure and sheltered cycle rack capable of accommodating up to four bicycles within the building, situated at ground floor level adjacent to the principal entrance. This provision directly supports the sustainable

transport objectives set out in Policy DM30 and aligns with the NPPF, which encourages the prioritisation of pedestrian and cycle movement within development schemes.

48. The applicant has submitted additional supporting information which contextualises the nature and intensity of the proposed use. The business, trading as '30+ Health and Performance,' is an established operation within the Eldon Way industrial estate with an active membership base of approximately 160 clients. The business model is structured around pre-booked training sessions that are deliberately staggered across non-peak times (i.e. early morning and early evening), specifically at 06:00, 07:00, 17:15, 18:15, and 19:15. This approach inherently limits peak period traffic generation and ensures a consistent and predictable parking demand, with minimal overlap between user groups.
49. Moreover, the business primarily serves the local Hockley population and anecdotal evidence suggests a significant proportion of clients commute to the premises on foot or by bicycle. In this context, the provision of four on-site parking spaces is considered proportionate to the operational needs of the business. It is also material to note that the site previously accommodated an Airsoft Arena, a use that generated a comparable (if not greater) level of trip generation and parking demand. No issues regarding parking overspill or congestion were recorded during that prior use.
50. Taken cumulatively, the above factors indicate that the proposed change of use would not result in any material intensification of parking pressure, nor would it give rise to a residual cumulative impact on the surrounding highway network that could be considered "severe" in NPPF terms. Equally, there is no evidence to suggest that the proposal would prejudice pedestrian or vehicular safety, or compromise accessibility for other commercial operators within the estate.
51. In conclusion, the proposal is considered to be acceptable in highways and transport terms. It complies with the requirements of Policies DM1 and DM30 of the Development Management Plan and satisfies the national policy tests set out in paragraph 116 of the NPPF. There are no grounds, either evidential or policy-based, to justify refusal on transport or parking grounds

Flooding considerations

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

Biodiversity Net Gain

53. 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.
54. 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 and 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 one of the exemption criteria, i.e., de-minimis - Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of on-site habitat, or 5 metres of linear habitats such as hedgerows. E.g., COU where no external works/car parking etc or second story on existing building. More specifically, the proposed solar array will be sited on an existing car park, which is a sealed surface. In light of the above, the applicant has not therefore been required to provide any BNG information.
55. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative 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

56. 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.
57. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
58. Taking account of the nature of the proposed development and representations received, it is 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

59. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council : No comments received

Essex County Council Highways Authority: The proposed facility has limited off-street parking and includes provision for cycle parking within the curtilage. The local highway network is protected by parking restrictions. In transport terms, the site is considered to be in a sustainable location close to Hockley Town Centre's facilities including frequent public transport, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Neighbour representations:

One response has been received from the following address;

Bramerton Road: 14.

Which in the main makes the following comments:

- I would confirm that noise such as loud music will be contained within the property, so no windows or doors will be open as our garden backs directly onto this property.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 as amended February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policies CP1, H1, ED1, ED3.

Rochford District Council Local Development Framework Development Management Plan (December 2014) - Policies DM1, DM8, DM30, DM32.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).

Hockley Area Action Plan (adopted February 2014).

The Essex Design Guide (2018).

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans 25.137/04 (Location and Site Plan) (as per date stated on plan April 2025), 25.137/03 (Elevations) (as per date stated on plan April 2025) and 25.137/02 (Proposed Floor Plans) (as per date stated on plan April 2025).

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

3. No recorded or live music shall be permitted on the premises between the hours of 22:00 and 07:00.

REASON: In the interests of the amenities of the area in accordance with policy DM1 of the Development Management Plan and guidance advocated within the NPPF.

4. Prior to the first occupation or use of the building for the approved purpose, the secure and sheltered cycle parking facilities as shown on the approved plans shall be fully installed, made available for use, and thereafter retained in perpetuity for the sole use of staff and visitors to the premises. These facilities shall be maintained in a serviceable condition at all times and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

REASON: To promote sustainable modes of transport, encourage cycling as an alternative to the private car in accordance with the sustainable transport objectives set out in the National Planning Policy Framework.

5. The use hereby permitted shall be for the purposes described in the submitted application (i.e. Indoor Sport - Group Training Facility comprising physiotherapy, massage and group training) and shall not be used for any other purpose (including any other purpose within Use Class E) without the prior written consent of the Local Planning Authority.

REASON: To allow the Local Planning Authority to retain control over any future changes of use which may otherwise be permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended), in order to protect the character of the area and residential amenity.

6. The premises shall only be open to members of the public and operate between the hours of

Monday to Friday 06:00 and 22:00

Saturday 07:00 to 20:00

Sunday Nil hrs

[With no Sunday or Bank Holiday working]

REASON: To protect the amenities of nearby residential occupiers and ensure that noise and activity associated with the use does not result in significant adverse impacts, in accordance with Policy DM1 of the Rochford Development Management Plan and guidance advocated within the NPPF.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.