



PLANNING APPLICATIONS WEEKLY LIST NO.1773
Week Ending 5th September 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 25th September 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **10th September 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.

Glossary of suffix's:-

Outline application (OUT), Full planning permission (FUL), Approval of Reserved Matters (REM), S106 legal obligation modification (OBL), Planning in Principle (PRINCI), Advertisement Consent (ADV), Listed Building Consent (LBC).

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| Application No : | 25/00479/FUL Zoning: Conservation Area, Rayleigh Town Centre Secondary Shopping Area. |
| Case Officer | Mr Richard Kilbourne |
| Parish : | Rayleigh Town Council |
| Ward : | Wheatley |
| Location : | 1 Eastwood Road Rayleigh Essex |
| Proposal : | Change of use from vacant shop (Class E) to Hot Food Takeaway (Sui Generis) and install replacement shop front and new chimney stack with extraction flue |

SITE AND PROPOSAL

1. The application site consists of a ground floor commercial unit located on Eastwood Road in close proximity to the junction with High Street. The existing building comprises a vacant commercial unit (key cutting use Use Class E). The ground floor commercial unit is the subject of this application. The site is located within Rayleigh Town Centre within the Secondary Shopping Frontage and is also located entirely within the Rayleigh Conservation Area. The application site is surrounded by commercial units of varying nature.
2. The existing building is of traditional architectural character with a flat roof. It forms a cluster of commercial units with similar built form and architectural character which are in keeping with the character of the wider Conservation Area. To the front elevation are advertisements/signage.
3. The application seeks planning permission for a change of use from the buildings current use (Use Class E) to use as a hot food takeaway (Sui Generis – outside of any use class). The proposal also seeks to replace the frontage and install a new chimney stack with extraction flue within.

RELEVANT PLANNING HISTORY

4. Application No. 88/00901/COU – Change of use from Betting Office (A2) Use to Retail Shop (A1) Use – Approved – 21st November 1988.

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).
7. The National Planning Policy Framework (2024) (as amended) (NPPF) is also a material consideration. The application site is located entirely within the Rayleigh Conservation Area and therefore the Planning (Listed Buildings and Conservation Areas) Act 1990 is also a material consideration.
8. The application site is located within the Rayleigh Town Centre Boundary as defined in the Allocations Plan, and also within the Rayleigh Secondary Shopping Frontage Area as defined in the Rayleigh Area Action Plan (henceforth, the AAP).
9. Policies RTC1 and RTC2 of the Council's Adopted Core Strategy promote the protection and enhancement of retail uses within Town Centres. It is understood that the current building is vacant, however appears at some point to have been occupied by a key cutting and shoe repair shop. The proposed development and change of use would bring back into use a vacant unit within Rayleigh Town Centre and therefore, whilst it is acknowledged that the use of the building as a hot food takeaway would differ from the existing use, it would not have a detrimental impact on retail uses within an area identified as significant for retail purposes. Contrarily, the proposal would positively contribute to the vitality and viability of the town centre by bringing back into use a currently vacant unit and diversifying the town centres offerings, thereby supporting its continued economic and social vibrancy. The proposed change of use, therefore, in principle, is not considered to undermine, or conflict with, the aims of Policies RTC1 and RTC2.
10. Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh Town Centre's role as the District's principal town centre is retained through the implementation of the AAP, which seeks to deliver the following:
 - a. Improved accessibility to and within the town centre;
 - b. A safe and high quality environment for residents and visitors;
 - c. A predominance of retail uses, including intensification of existing retail uses, which cater for a wide variety of needs;
 - d. A range of evening leisure activities;
 - e. Promotes provision of community facilities, including exploration of potential locations for a healthcare centre and, if appropriate, delivery of such facility.
11. Policy 3 of the Rayleigh AAP states that predominant uses within the town centre (including both Primary and Secondary frontages) should be Use Class A1. The AAP acknowledges that non-A1 uses may be acceptable within the town centre where these would:

- a. Not have a detrimental impact on, or undermine, the predominance of A1 uses;
 - b. Not create a cluster of non-A1 uses
 - c. Entail the provision of non-A1 uses which is considered to contribute to the overall offer and encourage people into the town centre
 - d. Not have a negative impact on the amenity and character of Rayleigh
12. As previously discussed, the existing building is Use Class E and is vacant and therefore offers little to the viability and vitality of the Town Centre. The provision of a hot food takeaway in this location would positively contribute to the Town Centre by diversifying the range of offerings available. It should be noted that whilst there is not an identified need for offerings of this type within the AAP, the provision of such would positively contribute to the vitality of the Town Centre by creating footfall.
13. The proposal is not considered to undermine the predominance of A1 uses in the Town Centre in this instance. It is acknowledged that there are some food/drink establishments along Eastwood Road, however these do not form a large cluster that would undermine the aims of the AAP in this instance. As such, there is no objection in this instance to the change of use proposed.
14. In relation to Policy 3(d), this is discussed below in the design and appearance section, and also the residential amenity section.

Design and Heritage Considerations

15. Policy CP1 of the Council's Core Strategy seeks to secure high-quality design that responds positively to local character, a principle reinforced by the Essex Design Guide and Policy DM1 of the Council's Development Management Plan. For non-residential developments within Town Centre locations, such as Rayleigh, the Council's Supplementary Planning Document 4 – Shop Fronts, Security and Design (SPD4) provides detailed guidance. In particular, Paragraph 4.5 of SPD4, 'Appearance of a Shop Front Elevation Suitable for a Traditional Location,' states that new shopfronts should relate harmoniously to adjoining buildings in terms of materials, scale, and visual intricacy, thereby contributing to a cohesive and visually coherent streetscape.

16. The application site is located within the Rayleigh Conservation Area. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a statutory duty to give special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Chapter 16 of the NPPF further emphasises that Local Planning Authorities should seek to sustain and enhance the significance of heritage assets, recognising the positive contribution that their conservation can make to sustainable communities and the importance of new development making a positive contribution to local character and distinctiveness.
17. Paragraph 212 of the NPPF establishes that substantial weight should be given to the conservation of designated heritage assets, with the weight proportionate to the asset's significance, regardless of whether harm is considered substantial, less than substantial, or total. Paragraph 213 requires that any harm to a designated heritage asset be clearly and convincingly justified, and Paragraph 215 advises that less-than-substantial harm should be weighed against the public benefits of the development, including where appropriate the securing of the asset's optimum viable use.
18. The proposal seeks to replace the existing aluminium shopfront on the building's principal elevation with a traditional design incorporating stallrisers. The surrounding buildings feature traditional shopfronts reflective of their period, contributing to the coherent visual character of the Conservation Area. Specialist consultation with the County Council's Place Services concluded:
- "The application includes physical alterations, notably the replacement of the existing aluminium shopfront with a new, more traditional design. The proposed shopfront incorporates stallrisers, reducing glazing and contributing to a more historically appropriate appearance. The design is considered suitable and would enhance the architectural character of the building and the wider Conservation Area".*
19. Although the application does not specify the materials for the proposed shopfront, these could be secured via a pre-commencement condition. On balance, the proposed shopfront is considered to respect the character of the wider streetscape and Conservation Area. It represents an enhancement relative to the existing shopfront, thereby aligning with Policies 213 and 215 of the NPPF, Policy DM1 of the Development Management Plan, and the design guidance set out in SPD4.
20. The application also proposes the installation of an extraction flue, to be enclosed within a rendered housing. While the enclosure would mitigate the visual impact to some degree, the flue would remain prominently located with long-range visibility within the street scene. Place Services advised:

“While the enclosure would reduce visual impact, the flue’s prominent location would detract from the architectural interest of the Conservation Area. The installation is considered to result in less-than-substantial harm at a low level under Paragraph 215 of the NPPF. Therefore, the proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990”.

21. In conclusion, the replacement shopfront would positively contribute to the significance of the Rayleigh Conservation Area and enhance the architectural character of the building. Conversely, the proposed extraction flue, due to its scale, design, and prominent location, would result in less-than-substantial harm to the Conservation Area. In accordance with Paragraph 215 of the NPPF, this harm must be weighed against the public benefits of the development. Whilst the proposal would marginally increase the range of food offerings within the Town Centre, similar facilities already exist in the immediate vicinity, and the public benefits are therefore not considered sufficient to outweigh the identified harm. As such, the development fails to preserve the character and appearance of the Conservation Area and is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

22. Policy DM1 of the Development Management Plan requires that new development should establish a positive relationship with surrounding properties, safeguard privacy, avoid undue overlooking, and ensure that visual and environmental impacts do not adversely affect the amenity of neighbouring occupiers. These considerations encompass overbearing impacts, overshadowing, noise, odour, and overall environmental quality. Paragraph 135(f) of the NPPF similarly requires that developments create places with a high standard of amenity for existing and future users.
23. The application proposes the replacement of the existing shopfront without any extension or enlargement of the building’s footprint. As a result, the scale, massing, and siting of the building would remain unchanged. The proposed alterations are not considered to give rise to a materially greater overbearing impact, increased overshadowing, or additional overlooking of neighbouring properties. Furthermore, the proposed traditional shopfront design is consistent with the character of the street and is not anticipated to adversely affect the visual amenity of adjacent occupiers.

24. The proposal also includes the installation of an extraction flue, which could generate noise and odour. An Odour Assessment submitted with the application, prepared by Ace Fabricators, indicates that the risk of adverse impact is “Low – Medium.” Colleagues in Environmental Health were consulted for technical advice; however, no response or objection was received. In the absence of such advice, and taking into account the modest scale, enclosure, and design of the flue, the Local Planning Authority has no substantive evidence to conclude that the development would result in unacceptable harm to residential amenity. Nevertheless, the potential for minor noise and odour emissions remains a material consideration, and mitigation or control measures could be imposed by planning condition if necessary.
25. Overall, the development would maintain an appropriate relationship with neighbouring properties and would not result in demonstrable harm to residential amenity. The proposal is therefore considered to comply with Policy DM1 of the Development Management Plan and Paragraph 135(f) of the NPPF, which together seek to ensure that development preserves the amenity of existing occupiers while contributing positively to the local environment and streetscape.

Highways and Parking

26. The Essex County Council Parking Guidance (2024), adopted in January 2025, sets a standard of one off-street parking space per 30m² of internal floor space for hot food takeaways and less than the one car space for 20 square metres for the authorized use. The proposed development comprises approximately 24.8m² of internal floor space, falling below the threshold at which a dedicated off-street parking space would be required for takeaways and two spaces for authorized retail. Though no off street parking is available, the proposed takeaway would be less demanding of parking need and thus compliant with the Council’s parking standards.
27. The Local Planning Authority has engaged Essex County Council as the Local Highways Authority to assess the proposal. The Authority has confirmed that, from a highway and transportation perspective, the impact of the development is acceptable. This professional assessment indicates that the proposal is unlikely to generate any material adverse effects on highway safety or operation.

28. While local residents have raised concerns regarding potential congestion, traffic, and delivery movements, these matters must be weighed against national policy guidance. Paragraph 116 of the NPPF establishes that planning permission should only be withheld on highway grounds if the residual impact would be severe. Given the modest scale of the development, the absence of any objection from the highway authority, the compliance with parking standards and availability of public car parking in the town centre generally; there is no evidence to suggest that the proposal would result in significant or severe impacts on the local highway network. Therefore, the development is considered acceptable in terms of highway safety and traffic generation.

Biodiversity Net Gain

29. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
30. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
31. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and have the condition discharged prior to commencement of the development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
32. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
33. In this case the developer has indicated that the statutory biodiversity gain condition would not apply. Officers agree that the statutory biodiversity gain condition would not apply as the proposed development relates to the existing building only, and the application site does not feature any trees or soft landscaping or areas for potential habitat as it consists entirely of hardstanding.

34. The proposed development, which in the main relates to the change of use of the existing building with only minor alterations to the building, is considered exempt as the proposal would result in no material loss of habitat.

Equalities and Diversity Implications

35. 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.
36. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
37. 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

38. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No objection to raise.

Rochford District Council Environmental Health: No comments received.

Essex County Council Highways Authority: No objection.

Essex County Council Place Services Specialist advice on Conservation: The application seeks change of use from a vacant shop (Class E) to a hot food takeaway (Sui Generis), including a replacement shopfront and new chimney stack with extraction flue. The single-storey unit forms part of a flat-roofed pair of retail premises in the Rayleigh Conservation Area, near the High Street/Eastwood Road junction. The area includes 1930s shops (Nos. 3–11) with white-painted render, parapet roofs, and horizontal fenestration; original metal windows have been replaced with uPVC.

The proposal would replace the existing aluminium shopfront with a more traditional design, including stallrisers to reduce glazing, enhancing the building's character. However, materials for the new shopfront are unspecified and should be submitted or conditioned. An extraction flue within a rendered enclosure is also proposed. While partially concealed, its prominent position would harm the architectural interest of the Conservation Area.

In summary, the shopfront would enhance the Conservation Area, but the flue would cause low-level, less than substantial harm under the NPPF (2024, para. 215). Overall, the proposal fails to preserve the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbour representations:

One response has been received from the following address;

Keswick Close: 10.

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

- Concerns regarding delivery drivers accessing the unit, and
- Concerns over traffic generation

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 revised in 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) - policies DM1, DM30.

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

Planning (Listed Buildings and Conservation Areas) Act 1990.

The Essex Design Guide (2018).

Rochford District Council SPD 4: Shop Fronts Security and Design (January 2007).

Rayleigh Area Action Plan (2014).

RECOMMENDATION: REFUSE

1. The proposed development, by virtue of the design, scale, and prominent location of the proposed extraction flue, would result in less-than-substantial harm to the character and appearance of the Rayleigh Conservation Area, a designated heritage asset. The harm arising from the flue would not be outweighed by the public benefits of the proposal. As such, the development would fail to preserve or enhance the character and appearance of the Rayleigh Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP1 of the Council's Core Strategy and Policy and DM1 of the Council's Development Management Plan, the design guidance set out in the Council's Supplementary Planning Document 4 – Shop Fronts, Security and Design, and guidance advocated within National Planning Policy Framework.

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

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| Application No: | 25/00543/FUL Zoning: No allocation |
| Case Officer | Mr Harry Goodrich |
| Parish: | Hawkwell Parish Council |
| Ward: | Hawkwell East |
| Location: | 495 Ashingdon Road Ashingdon Essex |
| Proposal: | Change of use from a private pool to be able to rent it out for mother and toddler swim sessions and 1 to 1 sessions for children with learning disabilities and/or Autism. |

SITE AND PROPOSAL

1. The proposed site is located on the western side of Ashingdon Road close to the junction between Ashingdon Road and Alexandra Road and opposite the junction made with Moons Close. The site is within the residential settlement of Ashingdon, in close proximity, and connected through development to the settlement of Rochford. The site forms a semi-detached pair of residential dwellings.
2. The proposed development involves the change of use of a private swimming pool within the rear garden of No.495 into a swimming pool that can be rented for 1 to 1 sessions for children with learning disabilities and/or Autism.
3. Whilst no definitive date can be provided for when the outbuilding was constructed, it can be seen that from satellite imagery, the construction of the outbuilding currently in use as a pool was sometime between 2000-2005. This would therefore leave the outbuilding and pool exempt from any enforcement action and results in the building being deemed lawful.

RELEVANT PLANNING HISTORY

4. Application No. 94/00276/FUL – Permitted - Single Storey Rear Extension – 14.07.1994.

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).

7. Section 11 of the Council's Core Strategy (2011) discusses economic development objectives of the district. Paragraph 11.19 states; The District is entrepreneurial in character, and small and medium sized businesses contribute significantly to the area's employment and economy. The Council supports the protection and enhancement of small and medium sized businesses, both within the existing industrial estates and town centres and those existing enterprises in rural locations, which are important to the local economy. The Council also acknowledges the important role that homeworking can play in the local economy through retaining employment opportunities within the district and the development of the Third Sector through enhancing local volunteering opportunities as encouraged in the Sustainable Community Strategy.
8. The proposed development is to take place within an existing pool building on the site. The building is currently operated as a private domestic pool within a residential setting associated with users resident on the site; however, the applicant would like to diversify this to enable 1 to 1 sessions for children with additional needs. Policy DM33 of the Council's Development Management Plan (2014) states that proposals for uses operating businesses from dwellings, which will require planning permission will be supported provided that the use:

(i) remains linked to the residential use, and residential remains the primary use;

The dwelling is to remain in a primary residential use, with the pool being used by one parent and child at a time.

(ii) will not result in a residential dwelling that fails to meet the floorspace standards set out in Policy DM4;

The proposed development will not alter the residential floorspace for the dwelling.

(iii) will not have a significant adverse effect on residential amenity;

The proposed development will take place inside the existing pool building. The building has been in place for over 20 years. The proposed usage is low level, with 1 to 1 sessions each 30minutes long with 15 minute break between to allow for sessions to cross over without stacking for a child with a parent and instructor present. The proposal would provide sessions between 9:30 am – 12:30 pm and 15:30 pm – 18:30 pm Monday, Wednesday and Friday and 9:30am – 12:30pm Tuesdays and Thursdays. As such the overall impact on residential amenity is considered to be minimal given the lack of additional physical development taking place, as well as the limited scale and close management of the usage.

(iv) will not have a detrimental effect upon the visual character of the surrounding residential area; and

The proposal does not involve any visual changes to the pool building and solely involves the change of use. The proposed development is therefore not considered to result in a detrimental impact on the visual character of the surrounding area.

(v) will not create on street parking or unacceptable highway problems.

The site frontage can provide six off street parking spaces, three more than the maximum required for the existing dwelling. The impact of the proposal on the highways network has been considered by Essex County Council as the highway's authority. They have concluded that the proposed development is not considered to result in unacceptable impacts on highway safety and have not recommended any required conditions.

9. Policy ED1 of the Council's Core Strategy (2011) states that; *The Council will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity.* The proposed development is to create a new enterprise, providing employment for a swimming teacher, and offering a specialised service through the 1 to 1 delivery of lessons for children that may not be able to do so in a traditional setting. The proposed development does not involve any physical changes to the building and will result in minimal impacts on residential amenity.
10. In conclusion, the proposed use of the existing building for a small-scale business use will support the local economy and offer an additional service within the community. The Council supports the protection and enhancement of small and medium sized businesses, both within the existing industrial estates and town centres and those existing enterprises in rural locations, which are important to the local economy. The proposal will offer a small business, within a built-up setting, and supporting children that require additional needs that may be unable to be served in a conventional setting. The proposal will therefore meet the objectives of Policy DM33 of the Rochford Development Management Plan (2014), Policy ED1 of the Core Strategy (2011), as well as the aims of Paragraph 8 of the National Planning Policy Framework (NPPF) (2024) (as amended) through achieving sustainable development.

Design and Impact on Character

11. The proposed development does not involve any form of development on the site, with the application solely relating to the change of use of the private pool area to enable small-scale business use. The existing building has been in place on the site for over 20 years, and as such is well established within the character of the area. The proposed development is therefore considered acceptable when considered from a design and character perspective.

Impact on Residential Amenity

12. Given that the development does not include any physical alterations to the pool building and given the passage of time in which the building has been located in its position. The development proposed is not considered to cause rise to any significant impacts on residential amenity. The proposed operating hours of the pool are to be controlled via condition, and the number of visitors is set out within this report (1 to 1, with a teacher and parent present). This total of three people within the pool building, for 30-minute swimming sessions with a 15-minute handover period between sessions will not result in undue impacts on residential through its operation. The proposed development is therefore considered acceptable in this regard. However, officers anticipate that in some cases more than 1 adult maybe required to achieve the required supervision and care support. Alternatively, the support may include siblings or close friends. This would make strict control of numbers by planning condition problematic and exclusive in terms of equality as well as difficult to enforce. A precise control in numbers is therefore not advocated by officers. However, celebratory pleasure party gatherings should be avoided by planning condition should the application be approved.

Highways Safety

13. The site is indicated to be in an area of low connectivity as set out within the Essex Parking Standards (2024). The proposal therefore is to include parking for users of the pool, on site, off the public highway. The proposal has indicated six total parking spaces for the dwelling and the business use. These spaces have been considered by Essex County Council as the highways authority and are deemed acceptable. It has been assessed that the development is acceptable from a highways viewpoint.

Biodiversity Net Gain

14. Given that the proposed development comprises a change of use application without any additional development involved, the proposed development is considered to constitute de-minimis development when considered against the requirements for BNG.

EQUALITIES AND DIVERSITY IMPLICATIONS

15. 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.
16. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
17. 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

18. The proposed private business, which is to be inside an existing outbuilding, is not considered to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity of nearby occupiers such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets. The proposal is therefore considered to accord with the aims of Policy DM33 of the Rochford Development Plan (2014), Policy ED1 of the Core Strategy (2011, as well as the aims of Paragraph 8 of the National Planning Policy Framework (NPPF) (2024). The recommendation is therefore to approve development.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkevell Parish Council: No objection to this application, but Members enquired if the District Council will be setting a limit of how many 'mothers and toddlers' will be permitted to use the pool during each session .

Essex County Council Highways Authority: No Objection to the proposed development.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024 (as amended).

Core Strategy Adopted Version (December 2011) - Policies CP1, T1, T8.

Development Management Plan (December 2014) – Policies DM27, DM30, DM33.

Essex Parking Guidance (2024).

The Essex Design Guide (2018).

RECOMMENDATION: APPROVE

- 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 drawings labelled;
 - 25-495ash-001
 - 25-495ash-002

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

- 3) The Class F2 swimming pool contained within the existing outbuilding and hereby approved shall only operate between the hours of 09:30 – 12:30 and 15:30 – 18:30 on Monday, Wednesdays and Fridays and between the hours of 09:30 – 12:30 on Tuesdays and Thursdays. There shall be no business operations within the pool on weekends.

REASON: To enable the Local Planning Authority to retain adequate control over such hours in the interest of the character of the area and amenity of adjoining occupiers. .

- 4) The use hereby approved shall not include use for the provision of Children's parties associated with the use hereby approved.

REASON: To enable the Local Planning Authority to retain adequate control over such use and potential noise and disturbance that might otherwise arise in the interest of the amenity of adjoining occupiers.

The local Ward Members for the above application are Cllr. E.O.K. Mason, Cllr. Mrs D. P. Squires Coleman and Cllr. M.J. Webb.

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| Application No : | 25/00584/FUL Zoning : Employment |
| Case Officer | Mr Richard Kilbourne |
| Parish : | Rayleigh Town Council |
| Ward : | Wheatley |
| Location : | 9 Totman Crescent Rayleigh Essex |
| Proposal : | Removal of existing pitched roof with new insulated pitched roof and guttering. |

SITE AND PROPOSAL

1. The application site is located within the east part of the Brook Road Industrial Estate of south Rayleigh, which is an allocated area of existing employment land.
2. The applicant's property is a large high detached building which has a rectilinear footprint. Located immediately at the front of the property is a relatively large area of hardstanding which can accommodate several vehicles. The applicant's property is flanked on either side by similar sized commercial/industrial buildings. The application site is located outside the Rayleigh Town Centre and Conservation Area.
3. The proposal is the removal of the existing pitched roof and replacement with a new insulated pitched roof and guttering.

RELEVANT PLANNING HISTORY

4. No relevant planning history pertaining to this site

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).

Principal of Development

7. As previously confirmed, the applicant is seeking to undertake the removal of the existing pitched roof, which is currently in a poor state of repair and provides inadequate thermal insulation. In order to address these deficiencies, the proposal involves the installation of a new insulated pitched roof, together with replacement guttering, with the specific aim of improving the building's overall thermal efficiency and long-term performance.
8. It is important to note that no alterations are proposed to any of the other elevations of the building, and there is no intention to modify the existing use of the premises. The scope of the works is therefore limited exclusively to the replacement of the roof structure and its associated components. This application is solely for planning permission relating to the replacement roof, and does not extend to any other operational or material changes to the building. The works extend beyond repair such that if the work amounted to repair only the works would not meet the definition of development and would not be captured by the planning system. The works however amount to replacement involving building operations which is defined as development within the meaning of Section 55 of the 'Act' and no permitted development rights exists to enable this work to take place without first gaining planning permission.

Design

9. 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.
10. 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'.
11. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings.

12. Furthermore, policy DM1 seeks to ensure that any alterations or extensions are harmonious in character, scale, form and proposed materials with the existing dwelling, have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the street scene. Whilst the NPPF advocates and infers that proposals should create high quality places which maintain a strong sense of quality and place.
13. The submitted plans and supporting documentation confirm that the existing roof structure is formed of single-skin asbestos-cement sheeting. The roof covers an area of approximately 430m² and contains 40 evenly spaced roof lights, which provide natural daylight to the interior. The existing roof rises to approximately 4.4m at the eaves and 5.9m at the ridge. From the principal elevation, the majority of the pitched roof is obscured from public view by a parapet wall measuring around 5.7m in height, which softens the visual prominence of the roof form in the wider streetscape.
14. The proposal seeks to undertake a like-for-like replacement of the roof, with necessary modernisation to address its deteriorating condition. The applicant intends to install Kingspan insulated composite panels in place of the existing asbestos sheeting, thereby improving the building's thermal performance and ensuring compliance with current building standards. The existing 40 roof lights are to be reinstated in the same pattern and distribution, thereby maintaining the internal daylighting arrangement and avoiding any alteration to the building's external rhythm or architectural balance. In addition, all gutters, which are currently in a state of disrepair, will be replaced with new steel fittings.
15. In terms of scale and form, the proposal does not involve any alteration to the established eaves or ridge heights, meaning the overall roof profile will remain consistent with the existing structure. The retention of the parapet wall along the front elevation will ensure that the majority of the new roofscape is screened from public view, thus limiting any perceptible change to the building's external character.
16. Although the proposed Kingspan panels are industrial in appearance, this is considered appropriate given both the functional nature of the building and its location within an established employment area characterised by similar commercial and industrial premises. As such, the materials will not appear incongruous or visually intrusive in this context. Instead, the works will provide a modern, durable, and visually coherent upgrade to the existing fabric, aligning with the character of the surrounding built form.

17. From a design perspective, the proposal is therefore judged to have a neutral impact on the appearance of the building and its wider setting. The scheme secures practical and environmental benefits through the replacement of outdated asbestos sheeting with insulated materials, without introducing harm to local character or visual amenity. Accordingly, the development is considered to comply with the design objectives of Policy DM1 and the principles of good design promoted by the National Planning Policy Framework.

Impact on Residential Amenity

18. 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.
19. 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.
20. Brook Road Industrial estate is a long-standing industrial estate, and although it borders residential areas, the building subject of this application has been in existence for many years. This is reflected by its allocation as employment land.
21. The proposal relates solely to the replacement of the existing roof structure. Given that the development does not involve any change to the established use of the building, and the existing commercial/industrial activities on site are to continue as before, no conflict is anticipated with surrounding uses. The wider area already accommodates a concentration of industrial and commercial enterprises within the Brook Road Industrial Estate, and the general acoustic environment is characterised by elevated background noise levels associated with both existing operations and the heavily trafficked surrounding road network. In this context, the replacement of the roof will not materially increase noise or disturbance and is not expected to result in any adverse impacts upon residential amenity.

22. The building is situated within the middle section of Totman Crescent and is surrounded on all sides by similar industrial units. The replacement roof will not alter the scale, height, or massing of the existing structure, and separation distances to neighbouring residential properties remain unchanged. As such, there will be no resulting impact in terms of overlooking, overshadowing, loss of light, or over-dominance. Whilst not a determinative factor it is noted that no letters of representation have been received.
23. In summary, the replacement roof is considered to have a neutral impact on the amenity of neighbouring occupiers and introduces no demonstrable harm. The proposal is therefore compliant with Policy DM1 of the Development Management Plan and consistent with the NPPF's objectives of safeguarding amenity whilst supporting appropriate investment in existing employment sites.

Highways and Parking Considerations

24. The transport and highways implications of the proposal have been considered against both local and national policy. Policies DM1 and DM30 of the Rochford District Council Development Management Plan (DMP) require that development must demonstrate that it will not give rise to unacceptable impacts on highway safety, accessibility, or the efficient operation of the transport network. Similarly, paragraph 116 of the NPPF establishes that development should only be refused on transport grounds where the residual cumulative impact would be severe, or where highway safety would be unacceptably compromised.
25. The application relates solely to the replacement of the existing roof covering. Crucially, the development does not involve any enlargement of the building, creation of additional floorspace, or change of use. The operational function of the premises will therefore remain unchanged. As a result, the proposal does not generate any additional trip demand or intensify traffic movements to and from the site.
26. The existing vehicular access arrangements, which are taken directly from the estate road, remain unaltered. These arrangements are established and already serve a comparable level of commercial/industrial activity across the estate. No amendments are proposed to the number or layout of parking spaces, nor is any reduction in provision anticipated. On this basis, the scheme has a neutral impact on car parking capacity and does not give rise to displacement pressures elsewhere within the estate.
27. Given that the proposal is confined to fabric improvements to the building envelope, it is clear that there will be no implications for pedestrian or vehicular safety, nor any effect on servicing, loading, or accessibility for neighbouring operators within the industrial estate.

28. Taking all of the above into account, it is concluded that the development does not introduce any adverse highways or parking impacts. The scheme therefore satisfies the requirements of Policies DM1 and DM30 of the Development Management Plan and is fully consistent with the policy tests contained within paragraph 116 of the NPPF. There are no policy-based or evidential grounds to resist the application on highways or parking grounds.

Trees

29. 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.”

30. 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

31. 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.
32. 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.

33. 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

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):

Rayleigh Town Council: No comments received

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 revised in 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 (adopted January 2025).

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 SIT001 (Location Plan and Block Plan) (as per date stated on plan 1st August 2025), PRP001 Revision A (Proposed Roof Plan) (as per date stated on plan 1st August 2025) and PRE001 Revision A (Proposed Elevations) (as per date stated on plan 1st August 2025).

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

3. The materials used in the construction of the replacement roof and gutters shall be those specified in the application forms and approved plans, and shall be thereafter retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development respects the character and appearance of the building and the surrounding area, in accordance with Policy DM1 of the Rochford District Council Development Management Plan and the National Planning Policy Framework.

The local Ward Member(s) for the above application is/are Cllr R C Linden Cllr Mike Sutton Cllr A G Cross