



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT COMMITTEE - 24 November 2011**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory Authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.



Ward Members for Committee Item

LODGE

Cllr D Merrick
Cllr I H Ward

ROCHFORD

Cllr J P Cottis
Cllr K J Gordon
Cllr Mrs G A Lucas-Gill

WHEATLEY

Cllr A C Priest
Cllr Mrs M J Webster

SCHEDULE ITEMS

Item 1	11/00528/FUL Garden room and Covered Patio Area 5 Dalys Road Rochford	Katie Simpson	PAGE 4
Item 2	11/00520/FUL Installation of New Car Park Including Height Restriction Barrier and Gate and Creation of Two Vehicle Passing Points Adjacent to Connaught Road Land North Of The Pavilion Connaught Road Rayleigh	Claire Robinson	PAGE 9
Item 3	11/00560/FUL Demolish Existing Side Projection, Erect Part Three Storey, Part Single Storey Extension to Form End Terrace House, Alter Existing Dwelling With Construction of Front and Rear Dormers With Juliet Balcony to Front Dormer, Demolish Bay Window and Erect Single Storey Front Extension, Alter Fenestration, Construct Single Storey Rear Extension. Alter Land Level to Rear Garden to Accommodate Patio to Rear of Extended Dwelling. 1 Burrows Way Rayleigh	Claire Robinson	PAGE 22

SCHEDULE ITEM 1

**TITLE: 11/00528/FUL
CONSTRUCTION OF GARDEN ROOM AND COVERED
PATIO AREA
5 DALYS ROAD ROCHFORD**

APPLICANT: MR RAYMOND HOW

ZONING: RESIDENTIAL

PARISH: ROCHFORD

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 1.1 This application is reported to the Committee as the applicant is an employee of Rochford District Council.

The Site

- 1.2 The application site is located to the northern side of Dalys Road, within the residential development of Rochford. The application site hosts a semi detached house that has been significantly extended upon its original form. The property has a large rear garden. A detached timber out building is already present in the proposed position of the new building. This existing building will be replaced by that proposed. There are other out buildings noticeable at the far end of the garden. The site is bounded by residential properties at No. 4 to the east and No. 6 to the west. Both of these neighbouring properties are semi detached houses to the same original design as the host.

The Proposal

- 1.3 The out building requires planning permission as it does not satisfy all of the criteria of Class E of the General Permitted Development Order 1995 (as amended), which can allow the provision of such structures within the curtilage of dwelling houses without requiring planning permission. The out building is contrary to part (d) (ii) and (g) of Class E, in that the out building is over 2.5m in height within 2m of the boundary and it also contains a veranda.

SCHEDULE ITEM 1

- 1.4 The application proposes to construct an out building within the rear garden, which will be sited abutting the western site boundary. The out building is single storey in form and to a pitched roofed design that reaches a maximum ridge height of 3.35m. The out building has dimensions of 4.5m in depth by a width of 3.8m. Over half of the proposed structure forms a covered patio area, including a veranda feature with open sides. This covered area will face south towards the rear elevation of the dwelling. The eastern side of the building is to contain one window. The front elevation (facing south of the building, behind the covered patio part) will contain a single doorway with windows either side. No fenestration is proposed to the western elevation, which faces towards No. 6. The out building is to be constructed of brick walls and a tiled roof. The front gable is to be timber clad. The rainwater goods are to be of uPVC.

RELEVANT PLANNING HISTORY

- 1.5 There is no planning application history applicable to this application.

CONSULTATIONS AND REPRESENTATIONS

- 1.6 **Rochford Parish Council:** No objections, subject to neighbour consultation.
- 1.7 **Essex County Highways:** De minimis.

MATERIAL PLANNING CONSIDERATIONS

- 1.8 The proposed building is of a typical 'garden' out building design; as such it is thought a reasonable addition to this garden area. The plans indicate that the building will be located 0.4m from the shared boundary with No. 6. The boundary treatment to the shared boundary is approximately 2m in height. Although the roof of the out building will be visible over the fence, there are trees and vegetation along this boundary within the rear garden of No. 6, which will effectively screen the proposed building. It is not thought that the building is of a size or scale such that it would be an intrusive structure that would unreasonably harm the amenities of the occupiers of No.6.
- 1.9 Given the siting of the out building to the western side of the site, it is not thought that the use of the covered patio would give rise to unreasonable overlooking or overlooking that would be excessive in a residential context, to the adjoining neighbour at No. 4.
- 1.10 The building would be entirely concealed from the street, thus there would be no impact to the appearance of the street scene.
- 1.11 The proposed out building is considered a reasonable development for the site, which poses no harm to the street, the application site, or the surrounding residential properties such that it would be justified to refuse the application.

SCHEDULE ITEM 1

CONCLUSION

- 1.12 It is considered that the proposed building is a reasonable addition to this site. The building is not objectionable in size, scale and appearance; as such it is not thought to harm the site or the amenities of the occupiers of the neighbouring properties.

RECOMMENDATION

- 1.13 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time Limits Full – Standard
 - 2 The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the application form and drawing no. 1.1, 1.2 and 1.3 as date stamped 17th October 2011 submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials other than those materials specified on the application form and drawing no. 1.1, 1.2 and 1.3 as date stamped 17th October 2011 are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals

There are no Local Plan policies relevant to the determination of this application

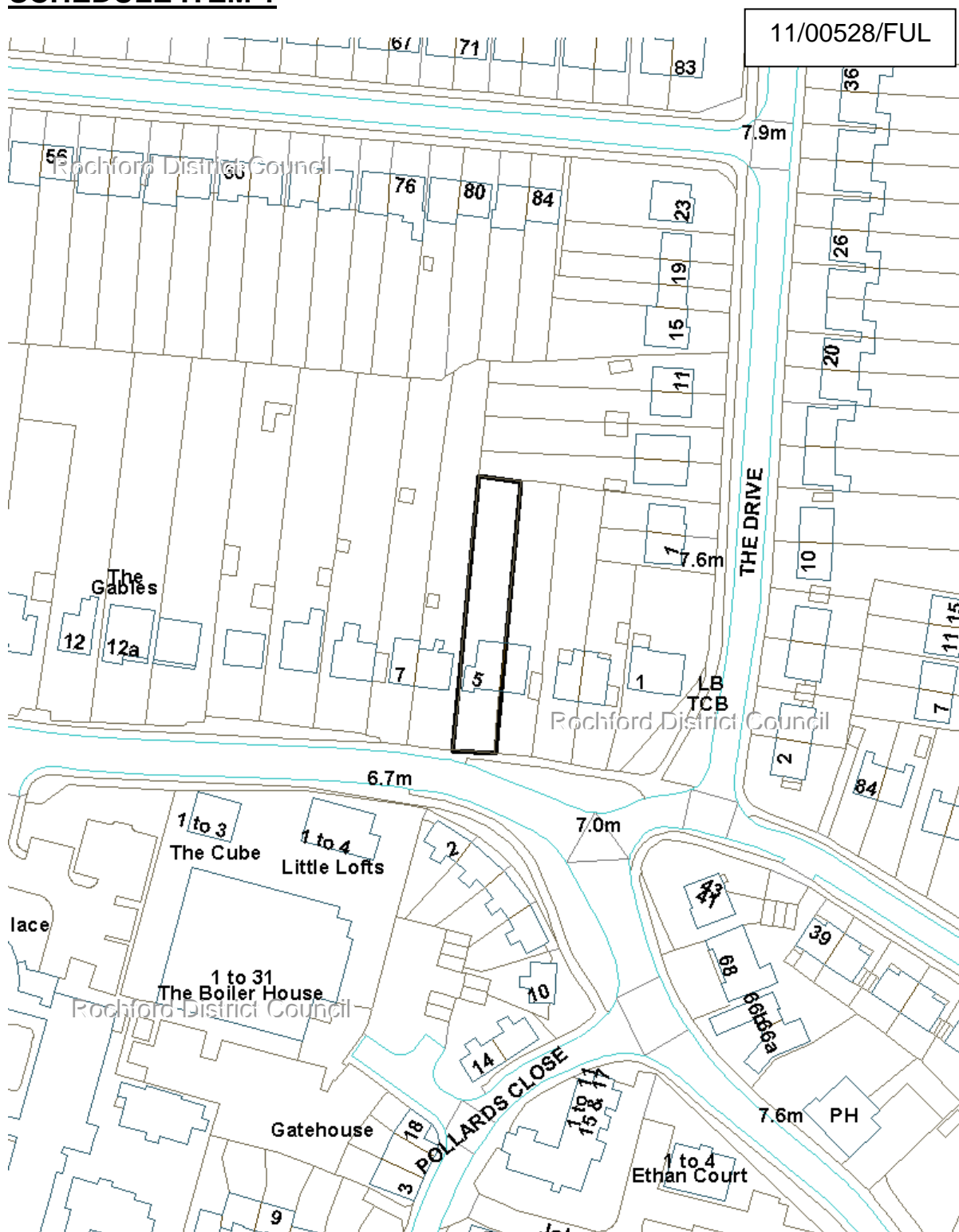


Shaun Scrutton
Head of Planning and Transportation

SCHEDULE ITEM 1

For further information please contact Katie Simpson on (01702) 546366.

SCHEDULE ITEM 1



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



SCHEDULE ITEM 2

**TITLE: 11/00520/FUL
INSTALLATION OF NEW CAR PARK INCLUDING HEIGHT
RESTRICTION BARRIER AND GATE AND CREATION OF
TWO VEHICLE PASSING POINTS ADJACENT TO
CONNAUGHT ROAD
LAND NORTH OF THE PAVILION, CONNAUGHT ROAD,
RAYLEIGH**

APPLICANT: ROCHFORD DISTRICT COUNCIL

**ZONING: METROPOLITAN GREEN BELT, PUBLIC OPEN SPACE &
LOCAL WILDLIFE SITE**

PARISH: RAYLEIGH TOWN COUNCIL

WARD: LODGE

PLANNING APPLICATION DETAILS

THE SITE

- 2.1 The application site is a grassed/vegetated area to the western side of Connaught Road owned by Rochford District Council. The site is located within the Metropolitan Green Belt of Rayleigh and an existing public open space. The passing bays are additionally located partly within a local wildlife site.
- 2.2 To the north of the site is a wooded area and to the south is a BMX track. To the west of the site is a playing field with pavilion and to the east is Connaught Road. The site is close to East Rayleigh Sewage Works, which is located at the end of Connaught Road and the car park is just north of a local wildlife site. There is a car park in close proximity to the site, which is accessed from Grove Road and allows direct access to the playing fields. The closest residential properties to the site are those within Grove Court, Grove Road and the two properties within Connaught Road – St Teresa and Wychwood. There is also an Air Training Corps (ATC) hut within Connaught Road between these two residential properties.
- 2.3 The northern section of Connaught Road is a private road leading from the adopted southern part and is accessed from Eastwood Road. It is unmade but comprises a reasonably sound concrete roadway.

SCHEDULE ITEM 2

PROPOSAL

- 2.4 Planning permission is sought for the construction of a car park to serve as the western entranceway to Cherry Orchard Jubilee Country Park. This is a 80 hectare park situated in the south west of the Rochford District containing woodland, open grassland and a lake.
- 2.5 A five-bar access gate with galvanised finish would form the entrance to the car park from Connaught Road measuring 3.6m wide (3.95m including posts) and at a height of 1.3m. This would be sited 6m from the edge of Connaught Road into the site. There would also be a 5m wide height restriction barrier finished in green with a 2.2m clearance height (total height of barrier would be 2.3m high).
- 2.6 An access road from the gate would lead through to a car park measuring 30m wide and 30m deep. The ground to the car park would be levelled off and compacted where necessary. It would use a PERFO ground reinforcement system, which comprises interlocking tiles laid on the ground that enable grass to grow through them but that still provide the stability to walk and park. The access road would use a TERRA-GRID ground reinforcement system, but would also be filled with 10mm sized crushed rock compacted with a roller. There would be timber bollards measuring 0.9m in height surrounding the access road and car park and planting to the western boundary.
- 2.7 The application also proposes two new passing bays, one within the section of Connaught Road north of Warwick Road and another within the section of Connaught Road north of Grove Road. The passing bays would each measure 20m long and 3m wide and would be located to the west of Connaught Road surrounded by timber bollards measuring 0.9m in height. The passing bays would be made of a 30mm thick compacted bedding layer of 100mm single sized crushed rock with a 200mm thick type 1 or similar sub-base material rolled and compacted. An existing passing place, to the south of Wychwood, would be refurbished and cleared to allow its use.
- 2.8 In addition to the new passing bays, road signage and two new speed humps are proposed within the unmade section of Connaught Road, one north of Connaught Road and the other south of the existing passing bay to provide traffic calming measures.

RELEVANT PLANNING HISTORY

- 2.9 There was previously a dwelling on part of this site known as 'Downhills'.
- 2.10 An application for the 'Construction of New Car Park' (Ref: 11/00201/FUL) was withdrawn on 28 June 2011. The differences between this application and that currently under consideration are that the current application proposed the following traffic calming measures and tree planting:-
- the addition of two new passing bays

SCHEDULE ITEM 2

- the refurbishment of an existing passing bay
- two new speed humps
- road signage
- 2 x hawthorn and 2 x rowan are to be planted instead of three of each proposed previously

CONSULTATIONS AND REPRESENTATIONS

- 2.11 RAYLEIGH TOWN COUNCIL:
The Town Council Members, by an overall majority, strongly object to this application due to the fact that access would be through an unadopted road and the Town Council feels it is unreasonable to expect residents to pay for the upkeep of the road, which would be subjected to extra traffic. The proposal also encourages more anti-social behaviour than already exists.
- 2.12 ECC HIGHWAYS: De minimis.
- 2.13 LONDON SOUTHEAST AIRPORT: No safeguarding objections.
- 2.14 RDC ARBORICULTURAL CONSULTANT: Responded no comment.
- 2.15 NATURAL ENGLAND – The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However, when considering this application the Council should maximise opportunities in and around the development for building in beneficial features as part of good design in accordance with the duty on the Council described above and in paragraph 14 of PPS9.
- 2.16 ESSEX & SUFFOLK WATER: comment as follows:-
- We have mains, which appear to be within the vicinity of the proposal and wish to bring this to your attention.
 - We cannot accept any buildings or structures within 3 metres either side of our main, which is protected by an easement. There should be no trees, hedges, shrubs or non-boundary fences erected within three metres of the outside edge of the water main, nor should the level of the surface of the land be altered.
- 2.17 LOCAL RESIDENTS: Nineteen objections have been received (4 Grove Court, 7 Connaught Road, 10 Connaught Road, 15 Connaught Road, 28 Connaught Road, 32 Connaught Road, 35 Connaught Road, 36 Connaught Road, 47 Connaught Road, 6 Walpole Walk, 1 Kent Way, 4 Kent Way, 12 Kent Way, 16 Kent Way, St Teresa, Connaught Road, Wychwood, Connaught Road, 17 Grandview Road, Thundersley, 14 Gloucester Avenue and 113 Warwick Road) which can be summarised as follows:-

Use of Connaught Road:-

- Does not allow for two way traffic
- It is a no through road

SCHEDULE ITEM 2

- Traffic already use the road as a cut through
- Two residential properties are responsible for maintenance
- Has no footpaths or adequate street lighting
- Concern around additional traffic particularly to lower section of Connaught Road where Dentists is located
- Speed of traffic already a problem
- Dangers of increased traffic using Connaught Road to pedestrians, cyclists, horse riders, dog walkers, children and livestock. Also dangers due to width of road and potential conflict with pedestrians.
- Heavy lorries from the Anglian Water treatment works regularly use this road. Any increase of vehicular traffic would severely hamper their ability to enter or exit site, as this is a one lane road with no footpaths, this would increase the likelihood of pedestrian or vehicular accidents.
- Traffic will try to access Connaught Road through Grove Road, which is of poor quality and would pose a danger to pedestrians
- The upper section of Connaught Road is privately owned and there is no current legal right of way for motor vehicles. How will RDC ensure that the road is developed/maintained adequately?
- What are the costs of maintenance of the road, who would be paying, for little benefit. It would be a misuse of public funds.
- Existing passing bay is often parked in. This therefore negates their purpose as passing bays and makes passing difficult and dangerous.
- In inclement weather, it is not uncommon for the vehicles to be unable to climb the gradient and therefore cause obstruction until the vehicles concerned can be recovered.

Existing Grove Woods car park:

- Anti-social behaviour problems already exist with this car park e.g., aerosol cans being set off, wheel spinning, loud music, fireworks being let off, kids racing through on bikes, drug users, underage drinkers. Police have given the name 'Operation Oatmeal' to the area.
- Concern over no funding to lock Grove Wood car park so new car park will not be locked either.
- There already exists a car park, access to which is available off Grove Road. Council has not maintained the vehicular access to this car park, nor does it appear to be willing to accept responsibility for its security.
- Parents doing the school run choke Grove Road and Connaught Road, hampering residents' access to their properties. Surely it would be financially cheaper to improve the existing car park as this car park is rarely filled to capacity.
- Present car park is hidden away from view, unlike proposed car park
- Devalue property
- Area is currently quiet secluded location
- Concern around destruction of the children's BMX track
- No public notices. Therefore you will not have an accurate consensus of public opinion or objection to this proposal.
- Has survey been carried out to discover who would use this car park?

SCHEDULE ITEM 2

- Proposed extended parking area to ease the congestion around Grove School will not solve local street parking problems unless parking restrictions are put in place during school am and pm times
- Concerns around car park being used by youths in cars
- Would bring more noise to the area
- To upgrade and enhance the existing car park at the end of Grove Road would be more cost effective and more beneficial to the local community.
- Concern around cost and Council budget
- Car park use by parents of Grove Road school children will in turn make traffic in Connaught Road even worse
- It'll spoil the wildlife/woodland area
- Will you be installing street lights and speed cameras?
- At present anyone visiting the woods via Connaught Road uses the more eco friendly options of either cycling or walking
- Passing bays will not be of any use to pedestrians. Some of the wooded area would need to be destroyed, which is unacceptable.
- The bottom of Connaught Road already poses a problem with fly tipping and adding a car park and improved access could exacerbate this existing problem.
- This is Green Belt land. The proposal would impact on the openness of the countryside and replace green space with a car park. The Town and Country Planning Act advises that permission should not be granted in the Green Belt unless exceptional circumstances exist. Is this car park really a good enough reason to turn the Green Belt into car park?
- If Green Belt land must be used for a car park then why select a bit of Green Belt away from the urbanised area? Surely it is better to use an area that is close to the current urbanised area, like the existing car park.
- Valuable woodland trees will need to be removed. To attempt to counteract this loss I suggest an area is re-planted. The area proposed for the new car park would be ideal. I also think that other potential sites may exist in the area. Has any attempt to investigate other sites been made by RDC? I see no evidence.
- Personally I would also like to see bollards erected across the Grove Road/Connaught Road junction to make through traffic impossible.
- This proposal is badly thought through and should be withdrawn. There is no evidence that traffic, safety, impact on the surrounding area has been considered at all.
- Although the road surface may have been reinforced against the use of a few heavier vehicles, it has not stood up against the frequent use of the normal traffic servicing the residents. If this volume of traffic is increased, which the development of a new car park is bound to cause, then the road surface will not be up to task.

RESPONSES RECEIVED TO RE-CONSULTATION

- 2.18 RDC ARBORICULTURAL CONSULTANT: (These comments relate to the revised plans for the passing bays) Tree specimens are of low quality and would require works to prune back from the road to prevent obstruction, therefore I have no objections for them to be felled.

SCHEDULE ITEM 2

- 2.19 LOCAL RESIDENTS: Seven objections received (10 Connaught Road, 15 Connaught Road, 28 Connaught Road, 35 Connaught Road, 113 Warwick Road, 1 Kent Way, 6 Walpole Walk) which can be summarised as follows:-
- Website confirms that the park can be reached via three separate roads, two independent footpaths and a bridlepath network, as well as five public bus routes. Your website also states that the park is already serviced by three public car parks and one private car park, all of which service the park during opening hours.
 - Renovating the existing Grove Road car park would mean no ecological considerations regarding passing bay locations because the existing access road in Grove Road is already wide enough to accommodate two vehicles. There would also be no increase in pedestrian risk, as the established access road to the existing car park has long since been used for this purpose.
 - There seems to be work going on before the planning consent has been given, i.e., the clearance of land and destruction of the BMX track.
 - I fail to see how your revised plans in any way change the facts. These being that areas of nature will still be destroyed, the track is already hazardous to walk along when there are cars using it as a cut through.
 - In original comments passing bays were not the issue.
 - Council is only interested in the wildlife, not the people that live in the road
 - By adding the passing bays on Connaught Road, the Council agrees that this road is unsuitable for any increased traffic flow.
 - New car park will encourage more vehicles and destroy the nature of the woods.

MATERIAL PLANNING CONSIDERATIONS

METROPOLITAN GREEN BELT

- 2.20 As the site is located within the Metropolitan Green Belt, the proposal needs to be assessed against Planning Policy Guidance Note 2: Green Belts (PPG2).
- 2.21 It states at paragraph 3.12 of PPG2 that development such as that proposed within the current application is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.
- 2.22 The proposed surfacing of the site with grass matting to facilitate its use as a car park would require clearance of the currently grassed/vegetated area of land. Such clearance would have some impact on the openness of the Green Belt as it would turn a currently vegetated area into an open space where vehicles would be parked. However, the surfacing method proposed would not result in any noticeable projection above the existing ground level and the grass matting surface would still allow grass to grow through. Therefore, an open Green Belt appearance would not be entirely lost although the site would appear different to its current grassed/vegetated state. The use of the surfaced area as a car park would, however, have a negative impact on the openness of the Green Belt given that vehicles would be parked on a previously grassed/vegetated area.

SCHEDULE ITEM 2

This use would also have a negative impact on the Green Belt in visual amenity terms with rows of cars appearing as a somewhat alien feature in an area characterised by a natural grassed/vegetated landscape.

- 2.23 The proposed fencing, gate and height barrier would also affect the openness of the site as these built structures would amount to new built structures on existing grassed/vegetated land. However, the fencing proposed would be timber at a height of 0.9m and the gate would be a typical farm style gate, common to rural locations and in keeping with the site's Green Belt setting. The proposed height restriction barrier would be a more intrusive feature, somewhat uncharacteristic of a rural location. In addition, the proposed passing bays would also have some impact on openness as currently vegetated areas would be replaced with hard surfaced areas surrounded by timber bollards to form passing bays.
- 2.24 In addition to the impact on openness, it is also possible that the proposal conflicts with the purposes of including land in the Green Belt as it could potentially be considered to represent encroachment into the Green Belt from the Grove Road area.
- 2.25 Therefore, as the proposal is not considered to maintain openness and could be considered to conflict with the purposes of including land within the Green Belt it can be considered inappropriate development within the Green Belt. It is therefore necessary to consider whether there are any very special circumstances that would outweigh the harm caused to the Green Belt by this proposal.
- 2.26 Although not stated in Green Belt policy in relation to operational development other than new buildings or in relation to changes of use, it is considered reasonable to consider whether the proposed development would be genuinely required in connection with an outdoor recreational use and therefore whether this could represent a very special circumstance.
- 2.27 In this case the development is considered to be genuinely required to serve the existing country park, which provides an outdoor recreational opportunity. Within the supporting statement submitted with the previously withdrawn application dated 9 June 2011 it was explained that car parking is needed, not only to service the country park, but also the existing play area, the BMX track, sports pitches and school/children's centre overspill at this site. It has to be considered that there is an existing car park area close to the site to serve these facilities and therefore when considering the need for this facility in Green Belt terms attention has to be drawn to this existing facility. It is explained within this supporting statement that the car park at Grove Road is of limited capacity providing the space for approximately 30 vehicles. Therefore, although the site for a proposed new car park is in close proximity to this existing car park it is not considered that this relationship would be unacceptable here. Nor is it considered that the existing car park provides all the necessary need and therefore that the proposed car park is unnecessary. When taking into account the various facilities that this existing car park serves it is considered that there is the need for further car parking provision within this area to serve existing facilities and more importantly, the country park.

SCHEDULE ITEM 2

- 2.28 There has been the recent provision of a car park at the eastern side of the country park accessible from Cherry Orchard Way. It is anticipated that the car park at Connaught Road would provide the Rayleigh entranceway to the country park. It is anticipated that the car park facility would provide easier use of the park by some and would allow others who may only choose to visit the park by car to take advantage of the recreational opportunities offered. Whilst the car park could be provided without the enclosing fencing and height barrier these are required to restrict the extent of parking within the Green Belt, to prevent encroachment of vehicles further into the grassed/vegetated area and public open space and to control the type of vehicles that can use the visitor car park.
- 2.29 As all of the land that forms the country park lies within the Green Belt there is no alternative but to develop on Green Belt land to provide a western car park facility close to or within the country park.
- 2.30 Based on the assessment above it is considered that the development is required in connection with and proportionate in extent to the country park it would serve and that these circumstances amount to very special circumstances that would outweigh the harm that would arise to the Green Belt. The proposal is unique in that it relates to the only country park in the District and there is therefore no concern that the very special circumstances identified could be readily replicated to mean that approval of this car park would set a precedent for the development of other car parks within the Green Belt, which could cumulatively have a significant harmful impact on the openness and appearance of the Green Belt. Consequently the proposal is not considered to be objectionable in Green Belt terms.

SAFEGUARDING OPEN SPACE

- 2.31 Although the proposal would involve building on land designated as existing public open space, the development would be of benefit to the community in terms of enabling easier access to the park by visitors, particularly from the west of the District who travel by car. It would not result in a significant loss of open space given the overall extent of the country park or harmful effect on the quality of the remaining open spaces within the country park. In addition, the existing area is grassed/vegetated and not, for example, part of the open playing field and therefore is not the most significant part of the public open space here. It is therefore considered that the benefits offered outweigh the loss of open space that would occur and that the proposal is not therefore contrary to PPG17.
- 2.32 It should also be noted that the construction of the car park does not require removal of the existing BMX track as this has been a concern raised by local residents. Further, it is not considered that the proposed new car park would have a detrimental impact upon the safety of users of the BMX track, which is currently undergoing refurbishment works unrelated to the current application.

SCHEDULE ITEM 2

ECOLOGY AND TREES

- 2.33 The ecological report submitted with the application dated October 2010 confirmed that slow worms were present on the site of the proposed car park. An ecological assessment dated 19 October 2011 confirms that D F Clarke has since translocated the slow worms. Natural England has been consulted on the application, but raise no objection to the proposal, though it is noted that within the previously withdrawn and nearly identical application they advised that permission may be granted, subject to appropriate conditions, including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms. The application has been put together based on the initial consultation response to the earlier application. Recommendations were made within paragraph 6 of the Reptile Presence or Likely Absence Survey dated October 2010 by Southern Ecological Solutions, some of which relate to ongoing works and monitoring that should occur after translocation and a planning condition could be attached to an approval requiring these recommendations to be adhered to.
- 2.34 The site of the passing bays would be located marginally within a local wildlife site as well as being within the Metropolitan Green Belt. Policy NR7 controls development within local wildlife sites and requires consideration as part of this application. Policy NR7 advises that within such sites development that adversely affects local wildlife sites will not be permitted unless it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the site. Revised plans have now been submitted, which show slightly different positions for the bays. The Council's arboricultural consultant has confirmed that the tree specimens within and close to the passing bays are of low quality and would require works to prune back from the road to prevent obstruction and he does not object to them being felled. In addition, an ecological assessment dated 19 October 2011 has confirmed that the construction of the passing bays is unlikely to have an adverse impact upon protected species or Grove Wood County Wildlife Site. Therefore, it is not considered that the proposed passing bays would adversely affect the local wildlife site and the initial concerns regarding these bays is now considered to have been addressed.
- 2.35 Some self sown shrubs/bushes and small trees would need to be cleared to provide the access road to the car park. RDC's arboricultural consultant has not commented or raised any objection to the car park and access road part of the proposal. However, to be clear as to the precise location of the access road in relation to the smaller trees proposed for removal and to ensure protection of the trees to be retained it is advised that a planning condition requiring a detailed plan to be submitted to and agreed in writing by the LPA be attached to an approval.

CONNAUGHT ROAD

- 2.36 Connaught Road along its northern length is a private road and residents have objected to the current application due to issues relating to the use of Connaught Road.

SCHEDULE ITEM 2

Connaught Road provides access from Kent Way to two residential properties (St Teresa and Wychwood), an ATC hut and Rayleigh Sewage Works. The part of Connaught Road outside where the entrance to the car park would be located is concreted. Residents have raised concerns that Connaught Road is currently being used as a cut-through to Grove Road and that the new car park proposal would add to the traffic already using Connaught Road. There is already some vehicular movement generated on Connaught Road from Rayleigh Sewage Works, the ATC hut, residential properties and possibly the public open space. Therefore it is not considered that the amount of additional traffic generated by the proposed car park with approximately 27 parking spaces would lead to an unacceptable level of traffic generation in Connaught Road. Maintenance of the road is a private matter and it is not considered that any additional maintenance requirements that may be caused by the location of this car park would be a reason to refuse the application, especially when considering that this road is already in regular use by heavy lorries to Rayleigh Sewage Works.

- 2.37 Essex County Council's Highways department has not raised an objection to the proposal. Therefore, although concerns have been raised about the suitability of this road on a number of issues, such concerns have not been highlighted by ECC Highways department.
- 2.38 Passing bays, speed humps and road signage are proposed to try and address concerns about the speed of vehicles using the road and the use of Connaught Road as a cut-through to Grove Road. The speed humps are proposed to be located within Connaught Road, whose ownership is not currently registered with the Land Registry and is therefore unknown. It is known that the road was constructed shortly before the Local Government re-organisation in 1974 by the then Rayleigh Urban District Council and it might be assumed therefore that it was an RDC asset. But, due to the uncertainty that surrounds the ownership of the road it is not considered that the speed humps could be installed as part of this application with any guarantee and it is also not considered that a planning condition could appropriately ensure this would happen. However, County Highways raises no objection to this application, with or without the speed humps.

ANTI-SOCIAL BEHAVIOUR

- 2.39 Concerns have been raised by local residents regarding the potential for anti-social behaviour to occur at the new car park. These concerns are based on claims made about anti-social behaviour occurring from the existing car park in Grove Road. Although anti-social behaviour may occur at the proposed car park the site is located further away from residential properties than the Grove Road car park with an approximate distance of 105m between the boundary of Wychwood and the boundary of the proposed car park. The Police have not commented on the current application, however, they did not raise an objection to the previous application. Based on the distance involved and the lack of objection from the Police on the previous application it is not considered that it would be justified to refuse the application on the basis of the potential for anti-social behaviour.

SCHEDULE ITEM 2

OTHER ISSUES

- 2.40 Essex & Suffolk Water has referred to mains within the vicinity of the proposed development. An informative could be placed on an approval in line with their comments.

CONCLUSION

- 2.41 It is considered that the proposed car park would be inappropriate development within the Green Belt, but that very special circumstances have been demonstrated to outweigh the harm this development would have on the Green Belt. The material planning considerations have been assessed as set out above and the proposal is considered to be acceptable.

RECOMMENDATION

- 2.42 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time Limits Full – Standard
 - 2 The soft landscaping shown on drawing no. 02 dated October 2010 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.
 - 3 The recommendations at paragraph 6 of the Reptile Presence or Likely Absence Survey dated October 2010 by Southern Ecological Solutions, which relate to works that should take place after translocation has occurred during the process of the works and following completion, shall be undertaken.
 - 4 Prior to commencement of the development hereby approved, a detailed plan shall be submitted to and agreed in writing by the Local Planning Authority identifying the alignment of the access road and the positioning and spread of any trees proposed for removal and retention. Details of the specification and position of protective fencing and of any other measures to be taken for the protection of any tree retained from damage before or during the course of development shall also be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development hereby approved.

SCHEDULE ITEM 2

REASON FOR DECISION

The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Connaught Road, Grove Road and Grove Court.

Relevant Development Plan Policies and Proposals

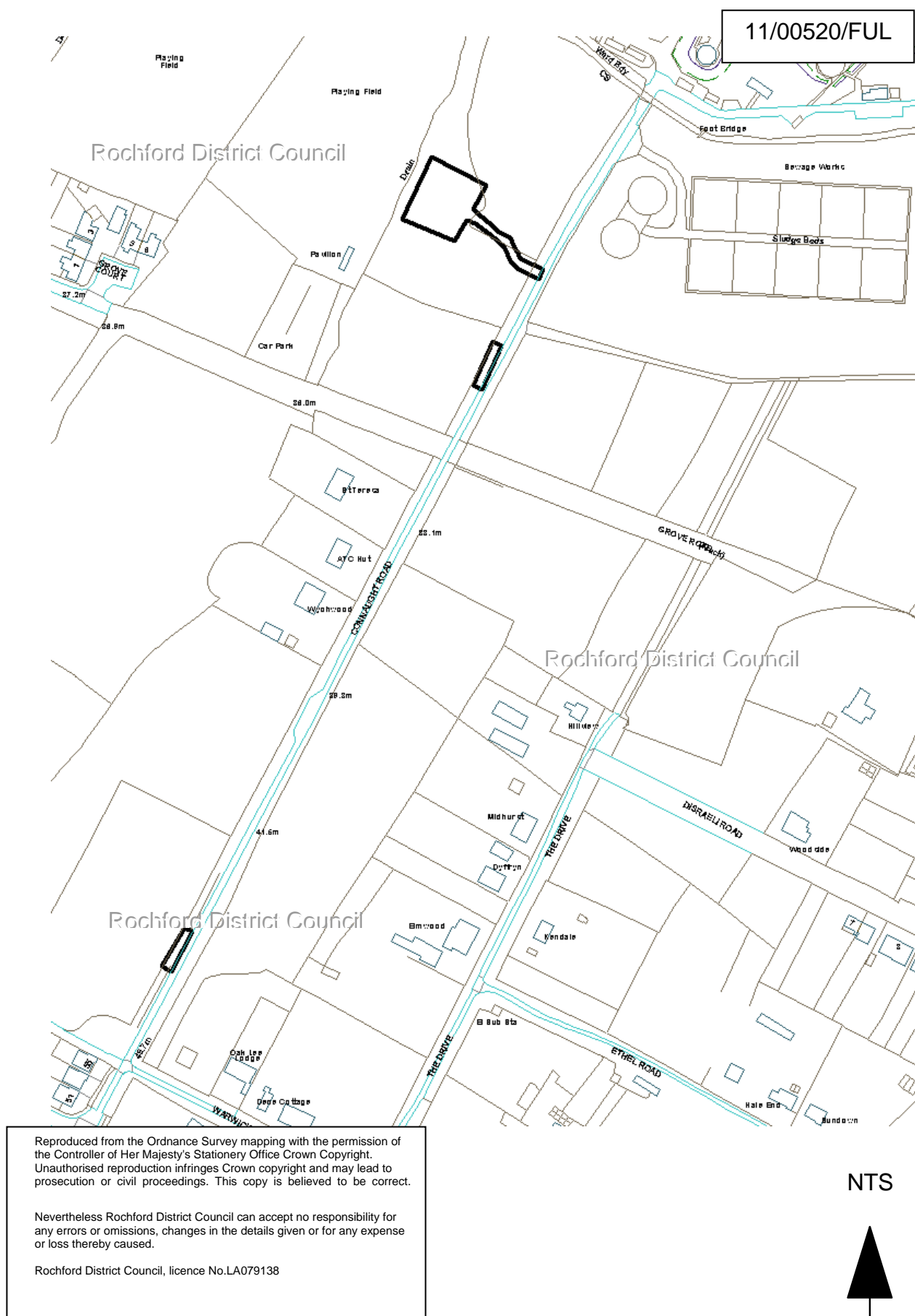
Planning Policy Guidance Note 2 - Green Belt
Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation
Planning Policy Statement 9 – Biodiversity and Geological Conservation



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Claire Robinson on (01702) 318096.

SCHEDULE ITEM 2



SCHEDULE ITEM 3

**TITLE: 11/00560/FUL
DEMOLISH EXISTING SIDE PROJECTION, ERECT PART
THREE STOREY, PART SINGLE STOREY EXTENSION TO
FORM END TERRACE HOUSE, ALTER EXISTING
DWELLING WITH CONSTRUCTION OF FRONT AND REAR
DORMERS WITH JULIET BALCONY TO FRONT DORMER,
DEMOLISH BAY WINDOW AND ERECT SINGLE STOREY
FRONT EXTENSION, ALTER FENESTRATION, CONSTRUCT
SINGLE STOREY REAR EXTENSION. ALTER LAND LEVEL
TO REAR GARDEN TO ACCOMMODATE PATIO TO REAR
OF EXTENDED DWELLING
1 BURROWS WAY, RAYLEIGH**

APPLICANT: MR STEPHEN STADDON

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

THE SITE

- 3.1 The application site consists of a semi-detached house with side and rear garden area within the residential area of Rayleigh just outside of the town centre boundary. The semi-detached pair is set back from the road by approximately 17m and located on a hill. To the north of the site is a pedestrian walkway that leads from Burrows Way into Rayleigh High Street. There is a pair of garages along this walkway and a dropped kerb at both ends so it is possible that historically this was a vehicular access that led directly to the High Street, not just pedestrian. However, vehicular access has been restricted from Spring Gardens through the use of bollards and metal railings. There is also a pair of semi-detached houses (No.17 and 19 Spring Gardens) to the north and to the south is the attached property (No.3) and then a detached bungalow (No. 5). To the east of the site is a pair of garages and then a detached chalet (No. 2 High Road) and to the west is Burrows Way.

SCHEDULE ITEM 3

3.2 PROPOSAL

Planning permission is sought at 1 Burrows Way, Rayleigh to demolish an existing side projection, erect a part three storey, part single storey extension to form an end terrace house, alter existing dwelling with construction of front and rear dormers with Juliet balcony to front dormer, demolish bay window and erect a single storey front extension, alter fenestration, construct a single storey rear extension and alter land level to rear garden to accommodate patio to rear of extended dwelling.

- 3.3 The proposed new dwelling would form an end of terrace property measuring 4.8m wide, 8.3m deep at two storey level (excluding the bay window/porch) and 9.7m high. It would have a single storey rear projection measuring 4.8m wide, 4m deep and 2.75m high with a flat roof and a roof light and a set of patio doors to the rear elevation. It would have a sloping roofed front projection measuring 4.8m wide, 1.2m deep and 4.25m high, which would incorporate the front door and two windows. On the front elevation the new dwelling would have two first floor windows, a roof light and a dormer with Juliet balcony measuring 1.4m wide, 3m deep and 2.5m high with a pitched roof. On the side elevation there would be two windows at ground floor level, a first floor window and second floor window. On the rear elevation there would be a set of patio doors at ground floor level, two windows at first floor and then a pitched roofed dormer within the roof area measuring 1.7m wide, 2.4m high and 3.3m deep.
- 3.4 The existing property would also be altered to include a sloping roofed front extension that would link to the new dwelling and replace an existing bay window measuring 4.5m wide, 1.2m deep and 4.25m high, which would incorporate the front door and two windows. A single window at first floor level would be replaced with two single windows and a roof light and a dormer with Juliet balcony would be inserted within the roof area measuring 1.4m wide, 3m deep and 2.5m high with a pitched roof. On the rear elevation a single storey rear extension would be constructed measuring 4.5m wide, 4m deep and 2.75m high with a flat roof and a roof light and a set of patio doors to the rear elevation. At first floor level on the rear elevation a single window would be replaced with two windows and a dormer would be inserted within the roof area measuring 1.7m wide, 2.4m high and 3.3m deep. The construction of two sheds within the rear garden areas of the proposed and existing dwellings is also proposed measuring 1.9m wide, 2.45m deep and 2.4m high with a pitched roof.

RELEVANT PLANNING HISTORY

- 3.5 There is no history on the Council's planning records for this address prior to 2011. The semi-detached pair predate the Town and Country Planning Act 1947.
- 3.6 Planning permission was granted on 12 July 2011 to 'Demolish Side Projection, Erect Two-Storey Dwelling House to Form End of Terrace House and Construction of Rear Dormer Window and Front Porch Canopy in Existing and New Dwelling and Form Parking and Amenity Areas and Create New Vehicular and Pedestrian Access onto Burrows Way' (Ref: 11/00250/FUL).

SCHEDULE ITEM 3

- 3.7 The differences between this approved application and the application currently under consideration are as follows:-

New dwelling:

- Ground floor front extension is now proposed instead of a bay window with linking roof.
- Two windows at first floor level on the front elevation are now proposed instead of the single window approved.
- Dormer with Juliet balcony is now proposed to the front elevation.
- Change in first floor window style on side elevation.
- Insertion of two new windows at ground floor level on side elevation.
- Ground floor rear projection to new dwelling is now proposed with a flat roof and a roof light and a set of patio doors.
- Two windows at first floor level on the rear elevation instead of the single window approved.

Alterations to existing dwelling (no.1):

- Ground floor front extension is now proposed instead of a porch canopy with linking roof.
- Two windows at first floor level on the front elevation to replace the single existing window.
- Relocation of roof light window on front elevation.
- Dormer with Juliet balcony is now proposed to the front elevation.
- A single storey rear extension with a flat roof and a roof light and a set of patio doors is now proposed.
- Two windows at first floor level on the rear elevation to replace the single existing window.

- 3.8 There is also an application currently under consideration at 3 Burrows Way to 'Demolish Existing Side Projection and Erect Three Storey Side Extension, Alter Front Elevation to Existing Dwelling by Removing Bay Window and Constructing Single Storey Front Extension, Alter Existing Fenestration, Install Dormers to Front and Rear of Existing Dwelling With Juliet Balcony to Front Dormer to Create Habitable Accommodation in Roof Space' (Ref: 11/00583/FUL). The applicant is the same for both applications.

CONSULTATIONS AND REPRESENTATIONS

- 3.9 ECC HIGHWAYS: No objection, subject to the following conditions being attached to any permission granted:-
1. 2 parking spaces for residential use only shall be provided for each property with each space having minimum dimensions of 2.9 metres x 5.5 metres. Therefore the tandem parking, as indicated, will need a length of 11m per property.
 2. Prior to occupation of the development the vehicular hardstandings shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

SCHEDULE ITEM 3

3. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be clear to ground and retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
5. The gradient of the proposed vehicular access / garage drive / hardstanding shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.
6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
7. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the reception and storage of building materials clear of the highway.
8. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a travel information and marketing scheme for sustainable transport approved by Essex County Council.

MATERIAL PLANNING CONSIDERATIONS

- 3.10 The principle of a new dwelling at this site with alterations to the existing dwelling (No.1 Burrows Way) has been accepted via an earlier application that granted planning permission for such works on 12 July 2011. Therefore, this application will specifically assess the acceptability of the changes proposed from the approved application.
- 3.11 Policy HP6 of The Rochford District Replacement Local Plan 2006 requires consideration of the design and layout of proposals for new housing schemes. It also refers to Supplementary Planning Document 2 (SPD2) when considering housing design. These documents will be considered when assessing the proposal below.

STREET SCENE AND DESIGN

- 3.12 The proposal includes changes to the front elevation of both the new and existing dwelling from that which was previously granted planning permission that would incorporate a ground floor front extension, two first floor windows and a dormer with Juliet balcony to both properties. The changes would ensure that the existing and proposed new dwelling would be in keeping with each other.

SCHEDULE ITEM 3

As there is no distinct property style within the immediate street scene and because this semi-detached pair are unique in the street scene the changes proposed will not be out of character generally and in relation to the remaining half of the semi detached pair at No. 3 this would have looked awkward but, as explained above, the applicant has submitted an application for that property, which also includes the same uplift changes to the front elevation. In these circumstances the proposal is quite acceptable.

- 3.13 The Essex Design Guide advises that for vertically proportioned properties, horizontally proportioned window openings should be used. At this site, vertically proportioned windows are proposed for these vertically proportioned properties, however, it is not considered that this window design would be detrimental to visual amenity here. The same window formation is proposed for all three properties, which will ensure that all three will have a similar appearance in design terms.
- 3.14 Supplementary Planning Document 2 (SPD2) states that substantial roof verges should be maintained at the sides and below any projecting dormer and that front dormers should have pitched roofs. The proposed front and rear dormers at this site comply with this criteria.
- 3.15 The design of the single storey rear projections is considered to be acceptable and it is not considered that these would be detrimental to the occupiers of any neighbouring properties.

OVERLOOKING AND PRIVACY

- 3.16 Dormers with Juliet balconies are proposed to the front elevation, which would serve bedrooms. There is a distance of approximately 45m between the balconies and the rear garden area of No. 21 Spring Gardens, which is the closest rear garden area to these balconies. Due to this distance it is not considered that these balconies would create any unacceptable overlooking.
- 3.17 Two new windows are proposed at ground floor level on the side elevation. A 1.8m high fence is proposed along the boundary with the public footpath, which will help to obscure some views towards the garden area of No. 17 and 19 Spring Gardens. However, due to the slope of the land, the internal floor level of the property is at a higher level and due to the positioning of the pair of semi-detached bungalows at No.17 and 19 Spring Gardens, closer to the highway than No.1 and 3 Burrows Way, one of the side windows in particular could look directly onto the private amenity space of these properties. It is considered that a planning condition requiring this window, and those initially proposed which remain unaltered, to be of an obscure glazed style and fixed shut below a height of 1.7m should be attached to an approval preventing any unacceptable overlooking.

SCHEDULE ITEM 3

GARDEN

- 3.18 SPD2 requires that three-bed terraced dwellings have private gardens with a minimum depth of $2\frac{1}{2}$ x the width of the house (except where the provision exceeds 100 m²) to a minimum private garden area of 50m². The proposed single storey projections would now reduce the private amenity space of the new dwelling from 148 square metres to 121 square metres and the existing dwelling from 100 square metres to 80 square metres. However, the reduced garden areas now proposed would still ensure that 50 square metres of private garden area would be provided in accordance with SPD2.
- 3.19 The single storey rear extensions to both properties and rear patio areas will be formed with some excavation into the rear garden and brick retaining walls built immediately behind the patio areas. Given the distance of in excess of 13m to the bottom of these gardens and normal constructional techniques this should not be the cause of any difficulties. This is a similar arrangement to that on the previously approved application for the then patio areas.
- 3.20 Parking arrangements have not been altered from the previously approved scheme. The proposed front extensions would not reduce parking availability at this site. The proposed application would increase the size of the two properties, however, the number of bedrooms that would be provided would remain the same as that approved within the July 2011 application. Therefore the amount of parking remains in accordance with The Parking Standards: Design and Good Practice Supplementary Planning Document Adopted December 2010.
- 3.21 It is considered necessary and reasonable to impose the same planning conditions as those that were imposed within the previously approved application with the amendment to condition 12 attached to application Ref: 11/00250/FUL, which required a 1m high fence to replace a proposed hedgerow, which is now being shown on the submitted drawings. It is also proposed to no longer include condition 14 attached to application Ref: 11/00250/FUL, which related to waste/recycling bins as the block plan submitted now shows space for three bins at the site.

CONCLUSION

- 3.22 The proposal is considered to be an appropriate addition to the area including acceptable alterations to an existing dwelling in accordance with policy HP6 of the Rochford District Replacement Local Plan 2006 and having regard to other material planning considerations.

RECOMMENDATION

- 3.23 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following conditions:-

SCHEDULE ITEM 3

- 1 SC4B – Time Limits
- 2 SC14 – Materials To Be Used (Externally)
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) no. PDB/11/300/05A, 06A and 07A date stamped 6 October 2011 shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above ground, first and second floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first and second floor finished floor level on the side elevation of the new dwelling hereby permitted, in addition to those shown on the approved drawings no. PDB/11/300/05A, 06A and 07A date stamped 6 October 2011.
- 5 Prior to the occupation of the development the hardstandings shown on the approved drawing no. PDB/11/300/04 date stamped 6 October 2011 must be laid out and constructed in their entirety in strict accordance with the approved plan and made available for use. Thereafter, the said hardstandings shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking. Prior to the occupation of the development the vehicular hardstandings shall be provided with an appropriate dropped kerb vehicular crossing of the footway, as shown on drawing no. PDB/11/300/04 date stamped 6 October 2011.
- 6 Prior to occupation of the development the proportion of the 1.5m x 1.5m pedestrian visibility splays that can be achieved within the limits of the site shall be provided. Such visibility splays shall be clear to ground and retained free of any obstruction in perpetuity.
- 7 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
- 8 Any new hard surfacing forward of the front elevation of the dwelling house shall be constructed either of a porous material or provision be made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site or to a drain within the site.

SCHEDULE ITEM 3

- 9 The gradient of the proposed vehicular access/hardstanding shall not be steeper than 4% (a maximum increase of 1m within 25m) for the first 6 metres from the highway boundary and not steeper than 8% (a maximum increase of 1m within 12.5m) thereafter.
- 10 Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the storage of building materials clear of the highway.
- 11 A 1m high timber fence between points A and B shown on drawing no. PDB/11/300/04 date stamped 6 October 2011 shall be implemented and permanently retained in the approved form.
- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure shall be erected between points A and B shown on the approved drawing no. PDB/11/300/04 date stamped 6 October 2011 other than that agreed in writing by the Local Planning Authority as part of condition no. 12.

REASON FOR DECISION

The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Burrows Way, Spring Gardens, the High Road and the High Street.

Relevant Development Plan Policies and Proposals

Policy HP6 and HP10 of the Rochford District Replacement Local Plan 2006

Supplementary Planning Document 2

Essex Design Guide 2005

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

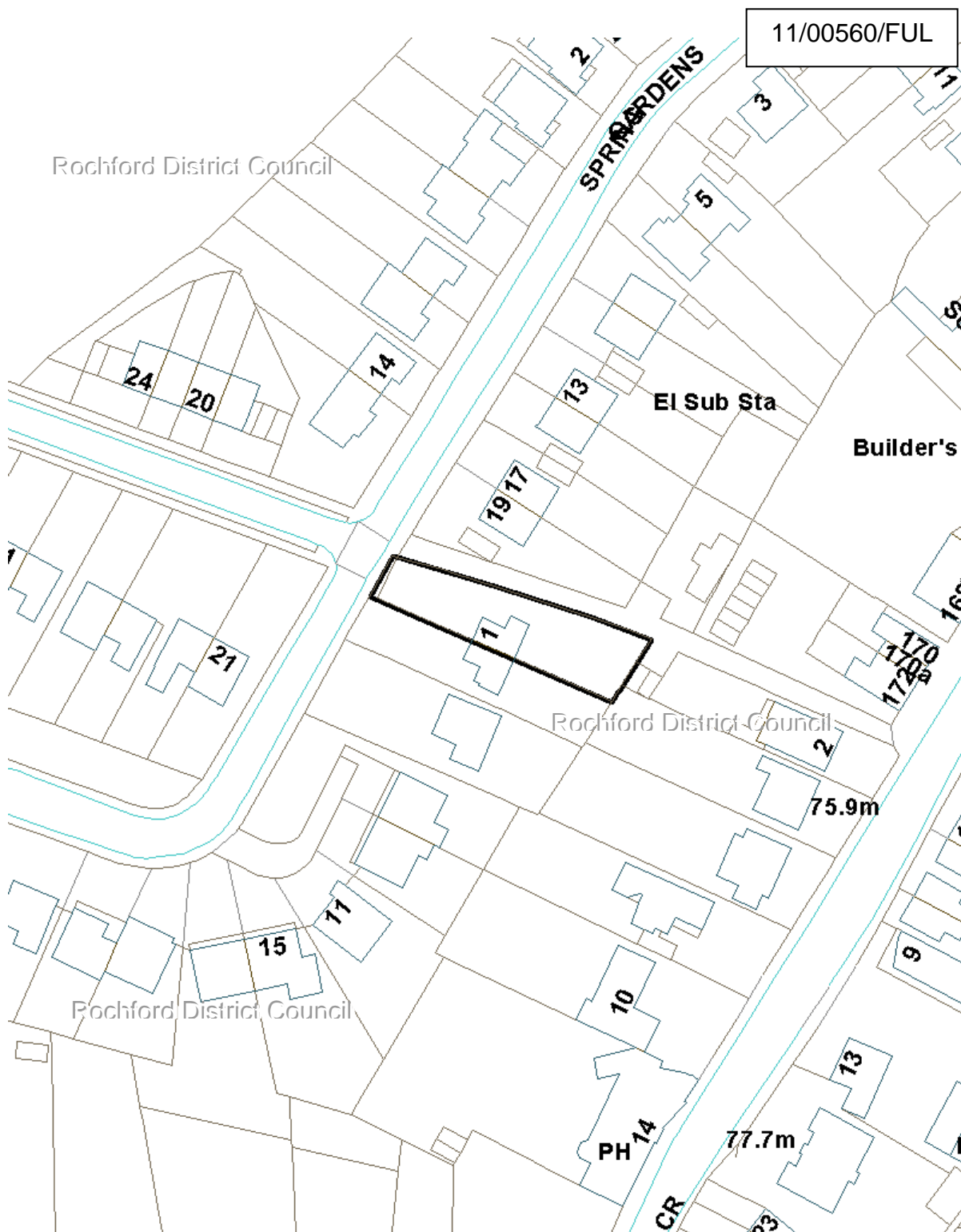
SCHEDULE ITEM 3

A handwritten signature in black ink, appearing to read 'Shaun Scrutton'.

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Claire Robinson on (01702) 318096.

SCHEDULE ITEM 3



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

To ensure that in the planning process all decisions are unbiased, impartial, and well founded.

2. Your role as a Member of the Planning Authority

To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

3. When the Code of Good Practice applies

This code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

B. Relationship to the Code of Conduct – Points for Members

- **Do** apply the rules in the Code of Conduct for Members first.
- **Do** then apply the rules in this Code of Good Practice for Planning Matters, which seek to explain and supplement the Code of Conduct for Members for the purposes of planning control.
- Failure to abide by this Code of Good Practice for Planning Matters may put:-
 - **the Council at risk of proceedings in respect of the legality or maladministration of the related decision; and**
 - **yourself at risk of a complaint to the Standards Committee or Standards Board for England.**

C. Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Do then act accordingly.

Where your interest is personal and prejudicial:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** get involved in the processing of the application, save as mentioned below.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer of the details.

D. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the Committee and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal

involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

- **Don't** attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers.
- **Do** attend a public meeting or exhibition to gather information about planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Committee.
- **Do** be aware that a presentation is a form of lobbying – you can express views, but must not give an indication of how you or other Members might vote.

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

J. Officers

- **Don't** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Head of Planning and Transportation, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

- **Do** give officers the opportunity to report verbally on all applications reported to the Development Committee for determination.

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information presented through an addendum to a Committee report or reported verbally by officers.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

- **Don't** participate in a vote at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.