



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE  
DEVELOPMENT COMMITTEE - 20 October 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](http://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

**WHEATLEY**

Cllr A C Priest  
Cllr Mrs M J Webster

**WHITEHOUSE**

Cllr S P Smith  
Cllr P F A Webster

**REFERRED ITEM**

Item R1	11/00485/FUL Extension to Club House Rayleigh Tennis Club Watchfield Lane Rayleigh	Robert Davis	PAGE 4
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**SCHEDULE ITEMS**

Item 2	11/00520/FUL Installation of New Car Park Including Height Restriction Barrier and Gate and Creation of Two Vehicle Passing Points Adjacent Connaught Road Land North Of The Pavilion Connaught Road Rayleigh	Claire Robinson	PAGE 8
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Item 3	11/00418/FUL Demolition of Existing Redundant Sheltered Housing Accommodation and Construct 2, 3 Storey Buildings to Provide 4 x 1-Bed and 2 x 2-Bed Flats and 1 x 1- Bed Wheelchair Flat, 1 x 2-Bed Duplex Flat and Terrace of 5 x 3-Bed Houses with Associated Landscaping, Parking and New Vehicular Accesses. Stratford House Hockley Road Rayleigh	Katie Rodgers	PAGE 20
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**REFERRED ITEM 1**

**TITLE: 11/00485/FUL  
EXTENSION TO CLUB HOUSE  
RAYLEIGH TENNIS CLUB WATCHFIELD LANE RAYLEIGH**

**APPLICANT: RAYLEIGH TENNIS CLUB**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: WHITEHOUSE**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1102 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 28 September 2011, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr S P Smith.

The item that was referred is appended as it appeared in the Weekly List, save for the additional condition 4, together with a plan.

In referring the item it was requested that further consideration be given to the issue of noise impact.

In discussion with Environmental Health colleagues, condition 4 requiring noise attenuation to the extension has been added. In terms of equipment used in the extension it is considered that control would be best exercised, if necessary, by Environmental Health colleagues under the Premises Licensing regime. The site history reveals that no conditions exist on the existing pavilion governing its use or hours of operation.

**NOTES**

- 1.1 Rayleigh Lawn Tennis Club is seeking an extension to their club house, expanding the bar area.
- 1.2 The application site is located within the residential zone, to the south of Rayleigh town centre. The tennis club is accessed via an unmade road from High Road. This access road significantly drops in level, with High Road on high level ground and the club and its tennis courts on significantly lower ground levels. The tennis club house is located close to bungalow known as Courtside. The car park is located on the north western portion of the site. The site is surrounded on all sides by residential dwellings. It is noted that there are properties on Humber Close whose rear elevations are 12.5m away.

**REFERRED ITEM 1**

- 1.3 The club has had previous applications to replace the existing club house approved (01/00289/FUL renewed by 06/00386/FUL); although not implemented. That building would have had a width of 18.7m, depth of 7.8m and height of 5.8m. Members may recall an application for flood lighting, refused by the Council (09/00227/FUL) and allowed on appeal.
- 1.4 Currently there is an existing club house with a very low-pitched roof and a flat roofed side extension located next to the tennis courts. The proposal would remove the existing 3.7m wide and 5.5m deep addition to the eastern side. The new extension would be to the full 7.8m depth of the building, 5.6m in width and with a roof matching that of club house. It would have approximately the same footprint as the building previously approved but with a lower roof. It would have a timber board construction with a felt roof, as with the existing property.
- 1.5 It is not considered that the proposed development would have an adverse visual impact or that it would amount to an over-development of the site.
- 1.6 Residents of two properties on Humber Close that back onto the site in proximity to the club house have raised concerns over the development. Their concerns relate to the evening social use of the club building and the noise generated by the activities, citing that the present wooden building offers little to no sound proofing and that the proposed extension, of similar materials, would not change this. The use of such a building for social activities is not unusual. In planning terms the extension would increase the building by 21m<sup>2</sup>, increasing the potential capacity, but the Council has previously accepted applications for a larger replacement club house. It is noted that all the present window and door openings are towards the court. This proposal features a 2m sliding door to the side elevation. It is considered that as this faces the car park it would more likely to be used as an entry/exit and that the opening of the door would lead to the egress of noise, potentially affecting the residents of nearby properties on Humber Close. A condition is therefore recommended that this door be omitted from the development and, if required, be replaced with a window fixed shut. The adjacent re-positioned door to the courtside elevation would provide necessary access, including for fire safety, with a lesser egress of noise.

**Representations:-**

- 1.7 **Rayleigh Town Council:** No objection.
- 1.8 **Ecc Highways:** De minimis.
- 1.9 **Neighbours:** Two letters received from nos. 9 and 10 Humber Close concerned about noise from evening activities within the club house.

**APPROVE**

1.10

**REFERRED ITEM 1**

- 1 SC4B - Time Limits Full – Standard
- 2 The external facing materials to be used in the construction of the development hereby permitted shall match (i.e. be of an identical appearance to) those of the corresponding areas of the existing building.
- 3 Notwithstanding the door to the side elevation, as shown on the approved plans, there shall be no doors or openable windows on the east facing side elevation. Prior to the commencement of development, the details of any window proposed on this elevation shall be submitted to and agreed in writing by the Local Planning Authority and retained thereafter in the approved form.
- 4 Before any use commences in the extension, the external shell of the extension hereby permitted shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

**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:**

LT8, of the Rochford District Council Adopted Replacement Local Plan

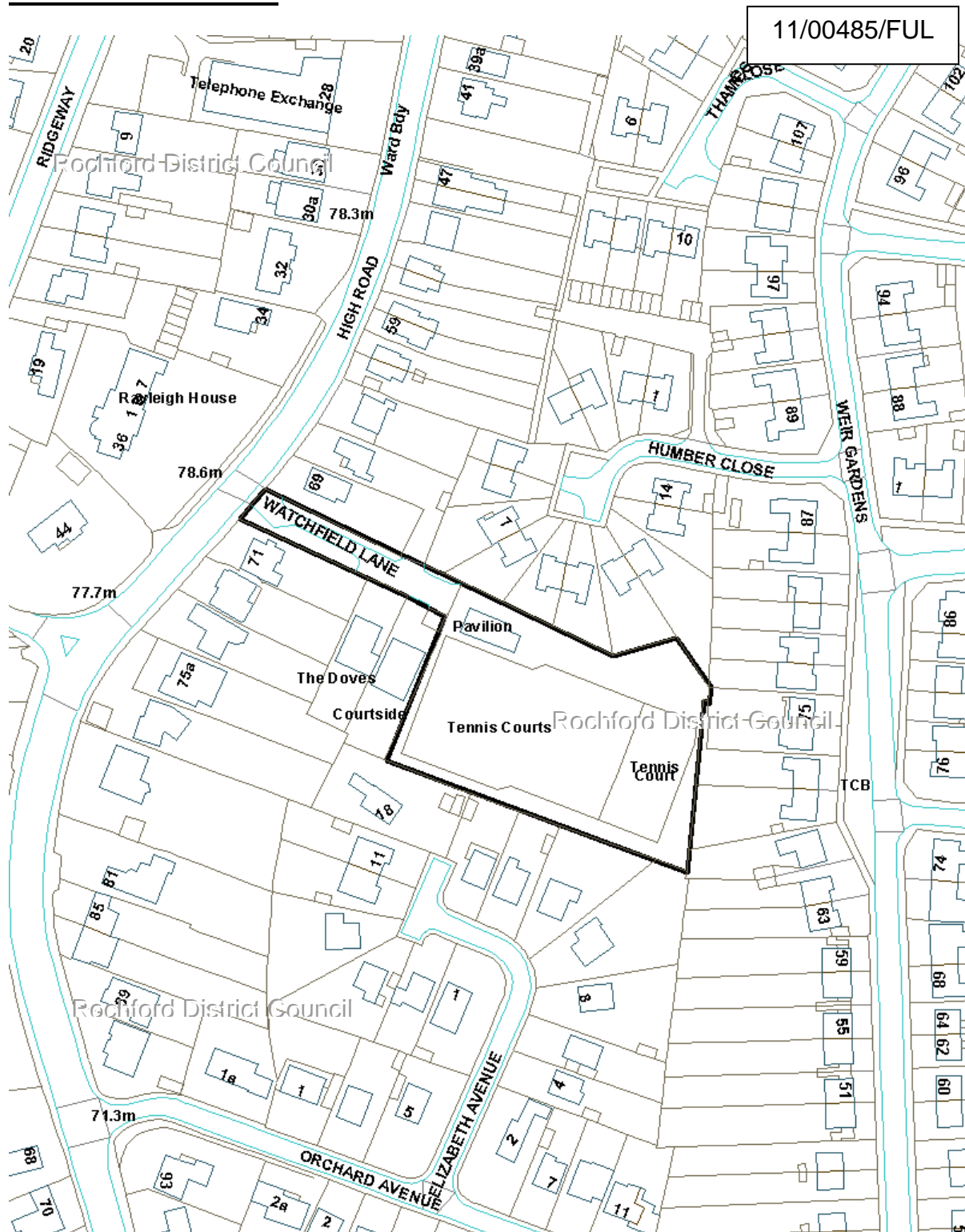


Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Robert Davis on (01702) 318095.

**REFERRED ITEM 1**



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**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 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**

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**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 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. The central section from Kent Way to Grove Road is unmade but comprises a reasonably sound concrete roadway.



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**SCHEDULE ITEM 2**

**PROPOSAL**

- 2.4 Planning permission is sought for the construction of a car park to serve as the western entrance way to Cherry Orchard Jubilee Country Park. This is a 200 acre park situated in the south west of the Rochford District containing woodland, open grassland and a lake.
- 2.5 A 5 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 This access road 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 involves 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. No trees are proposed for removal via this application.
- 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. Road signage to provide traffic calming measures are also proposed.
- 2.8 In addition to the new passing bays, 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.

**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:-

**SCHEDULE ITEM 2**

- the addition of two new passing bays
- 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 **Essex County Council Highways:** De minimis.
- 2.13 **London Southend Airport:** No safeguarding objections.
- 2.14 **RDC Arboricultural Consultant:** 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 **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:-
- 2.17 **Use of Connaught Road:**
- Does not allow for two way traffic.
  - It is a no through road.
  - Traffic already uses 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.

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**SCHEDULE ITEM 2**

- 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 the site; as this is a one lane road with no foot paths, 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.

**2.18 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, under age 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 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.
- De-value 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?
- 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.

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**SCHEDULE ITEM 2**

- 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 Rd 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 Green Belt unless exceptional circumstances exist. Is this car park really a good enough reason to turn 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.

**MATERIAL PLANNING CONSIDERATIONS**

**METROPOLITAN GREEN BELT**

- 2.19 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).

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**SCHEDULE ITEM 2**

- 2.20 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.
- 2.21 The proposed surfacing of the site with grass matting to facilitate 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 certainly, however, have a negative impact on the openness of the Green Belt given that vehicles would be parked on a previously grassed/vegetated area. 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.
- 2.22 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, however, be a more intrusive feature, somewhat uncharacteristic of a rural location. In addition, the proposed passing bays would also have some, although less, impact on openness as currently vegetated areas would be replaced with hard surfaced areas surrounded by timber bollards to form passing bays.
- 2.23 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.
- 2.24 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.

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**SCHEDULE ITEM 2**

- 2.25 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.
- 2.26 In this case the development is 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 the 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 considering the various facilities that this existing car park serves it is considered that there is potentially the need for further car parking provision within this area to serve existing facilities and more importantly, the country park.
- 2.27 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 entrance way 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.
- 2.28 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.
- 2.29 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.

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**SCHEDULE ITEM 2**

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**

- 2.30 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.
- 2.31 It should also be noted that it does not require removal of the existing BMX track as this has been a concern raised by local residents.

**ECOLOGY**

- 2.32 The ecological report submitted with the application confirms that slow worms are present on the site. Therefore, if planning permission were to be approved, it would be necessary for appropriate measures to be undertaken to ensure that any slow worms were translocated prior to works commencing to construct the car park. Natural England has been consulted on the application but has not raised an objection to the proposal. This is at odds with the response provided to the previously withdrawn and nearly identical application at the site where it 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. It is therefore considered that the initial consultation response is the accurate one to consider as part of this application. Recommendations have been made within paragraph 6 of the Reptile Presence or Likely Absence Survey dated October 2010 by Southern Ecological Solutions for translocation and a planning condition could be attached to an approval requiring these recommendations to be adhered to.
- 2.33 The site of one and partially the second 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.

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**SCHEDULE ITEM 2**

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. In this case such justification has not yet been provided for the proposed passing bays. Although it is likely that such bays have been proposed to address resident concerns around the use of Connaught Road, which is single track, it is not considered that the wildlife impacts of these locations of such bays has been justified. However, the applicant is aware of this situation and is instructing an additional ecological survey to be completed on the passing bays, which is expected to be received before the October Committee date. Therefore the current recommendation represents a holding objection to the proposal, which, depending on the results of the ecological survey, may be amended to a recommendation for approval prior to the Committee date.

**CONNAUGHT ROAD**

- 2.34 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. Connaught Road provides access from Kent Way to two residential properties (St Teresa and Wychwood), an ATC hut and the 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 the Rayleigh Sewage Works.
- 2.35 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.
- 2.36 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.



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## **SCHEDULE ITEM 2**

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.

### **ANTI-SOCIAL BEHAVIOUR**

- 2.37 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 antisocial behaviour.

### **CONCLUSION**

- 2.38 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. No justification has yet been provided for the proposed passing bays that would clearly outweigh the need to safeguard the nature conservation value of the site. Hence the current holding objection, given an ecological survey should be completed prior to the October Committee date which may set aside this concern, It is not considered that any other material planning considerations represent a reason for refusal of this application.

### **RECOMMENDATION**

- 2.39 It is proposed that this Committee **RESOLVES to REFUSE** the application for the following reason:-
- 1 No justification has been provided for the proposed passing bays that would clearly outweigh the need to safeguard the nature conservation value of the site, contrary to policy NR7 of the Rochford District Replacement Local Plan 2006.

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**SCHEDULE ITEM 2**

**Relevant Development Plan Policies and Proposals**

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

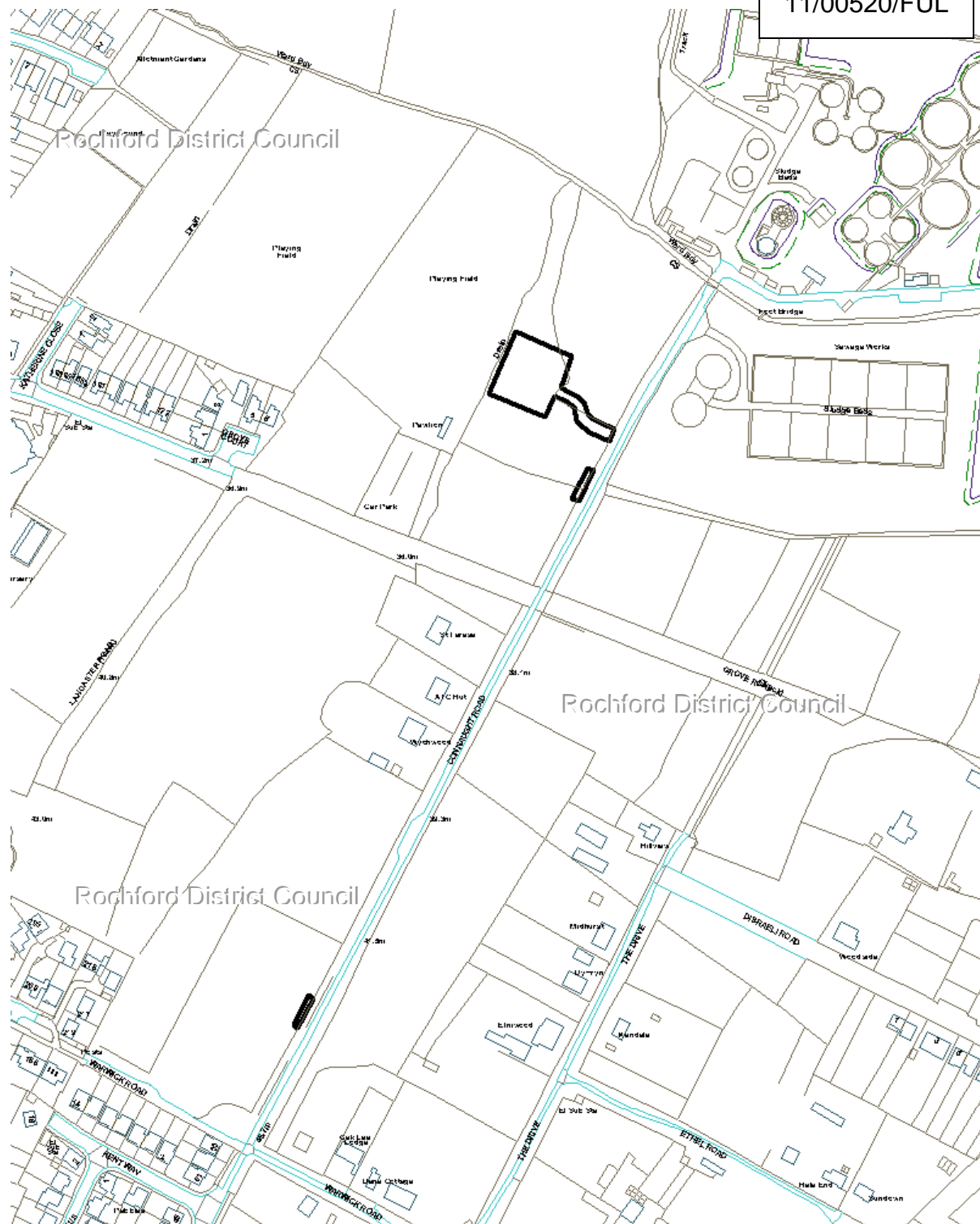


Shaun Scrutton  
Head of Planning and Transportation

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

11/00520/FUL



**SCHEDULE ITEM 3**

**TITLE: 11/00418/FUL  
DEMOLITION OF EXISTING REDUNDANT SHELTERED  
HOUSING ACCOMODATION AND CONSTRUCT 2, 3  
STOREY BUILDINGS TO PROVIDE 4 X 1-BED AND 2 X 2-  
BED FLATS AND 1 X 1-BED WHEELCHAIR FLAT, 1 X 2-BED  
DUPLEX FLAT AND TERRACE OF 5 X 3-BED HOUSES WITH  
ASSOCIATED LANDSCAPING, PARKING AND NEW  
VEHICULAR ACCESSES  
STRATFORD HOUSE, HOCKLEY ROAD, RAYLEIGH**

**APPLICANT: SANCTUARY HOUSING ASSOCIATION –MS SARAH BRIND**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: WHEATLEY**

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**PLANNING APPLICATION DETAILS**

- 3.1 Planning permission is sought for the demolition of the existing building on the site containing 26 sheltered housing units and for the re-development of the site to provide 13 new affordable housing units.
- 3.2 The application site is located close to Rayleigh town centre, some 150 metres from the northern end of the High Street. The site has a frontage onto both Hockley Road and onto Swayne Court, a cul-de-sac leading off Hockley Road, running to the south of the site and leading to a nearby flatted development.
- 3.3 The area surrounding the site is residential in character with properties varying in scale, form and design, including detached properties to the northern, southern and western boundaries fronting Hockley Road. To the south, the site is bordered by two storey flatted accommodation at Langdale House and opposite the site to the west is another larger block of properties forming a three storey terrace.
- 3.4 The site immediately borders adjoining land within the applicant's control with terraced and flatted properties in and around Derwent Avenue also managed by Sanctuary Housing Association.

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**SCHEDULE ITEM 3**

- 3.5 The site is within Rayleigh Conservation Area and close to a number of listed buildings, the closest of which is No. 24 Hockley Road immediately opposite the site's southern boundary. A listed milestone is also sited very close to the application site on the grass verge adjacent to Hockley Road and there are a number of trees on the site, some of which are subject to Tree Preservation Orders.
- 3.6 The existing building to be demolished forms one continuous u-shaped two storey block with a pitched, concrete tiled roof over. The building features both gable and hipped ends with a number of cat slide dormers. The external appearance of the building features weather boarding, brick work and render with the fenestration to the building fairly uniformly spaced and designed. The building has a maximum ridge height of 8.8 metres from ground level.
- 3.7 The existing building contains 13 sheltered housing units at first floor and 13 sheltered housing units at ground floor.
- 3.8 The proposed re-development of the site would consist of two separate three storey buildings; the main building would front Hockley Road and would consist of a terrace of 5 houses and 2 flats, a separate flatted block would front Sweyne Court and contain 6 flats.
- 3.9 The building that would front Hockley Road would have a rectangular footprint and would extend across the full width of the site frontage, some 40.8 metres, with a consistent depth of some 7.2 metres with a single storey addition to the flatted part. The height to ridge would be some 9.7 metres from the proposed ground level, which would be set below the road level to the front of the site. The building would be set back from the site boundary and footway along Hockley Road by some 2.5 metres. Enclosed gardens would be provided to the rear of the block.
- 3.10 The building that would front Sweyne Court would also have a rectangular footprint with a width of some 17.2 metres and a depth of 10.2 metres. The height to ridge would be some 9 metres from ground level. The main elevation to this building would be set back from the site boundary and adjoining footway by some 1.8 metres. A communal garden would be provided to the rear of the building. An area for the storage of refuse would be provided partly within and partly outside of the building to the rear with a cycle storage area also provided within the building at ground floor.
- 3.11 Parking would be provided largely to the rear of the proposed buildings with two small additional parking areas accessed off and abutting Sweyne Court.
- 3.12 The materials proposed for use in the external finish of both buildings would be a mix of brick work, reconstituted stone work and render. Red clay plain tiles would be used to tile the pitched roofs with lead roofed dormers. Fenestration would be provided in white painted timber.

**SCHEDULE ITEM 3**

**RELEVANT PLANNING HISTORY**

- 3.13 The demolition of the existing building has recently been approved in September 2011 as part of an application made for Conservation Area consent (11/00419/CON) required for demolition of buildings within Conservation Areas.
- 3.14 The Conservation Area consent approved was subject to the standard time restriction condition and a condition requiring that the demolition not take place until a contract for the carrying out of works of re-development has been made and planning permission for those works has been granted. This condition was imposed in order to prevent the demolition of the building and a resulting vacant and unsightly site, which could have a harmful impact on the character and appearance of the Conservation Area.

**CONSULTATIONS AND REPRESENTATIONS**

- 3.15 **Rayleigh Town Council:** No objection, subject to condition.
- 3.16 No objection providing and on condition that the Conservation Area rules are strictly adhered to, especially the preservation of the milestone.
- 3.17 **ECC (Highways Authority):** No objection, subject to conditions:-
1. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction with Hockley Road to the west and 2.4 metres by 33 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
  2. 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 retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
  3. The vehicular access and hardstandings shall be provided with appropriate dropped kerb vehicular crossings of the footway, as shown on the drawing. The redundant lengths of existing vehicular crossings should be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing, to the satisfaction of the Highway Authority immediately the proposed new accesses are brought into use.

**SCHEDULE ITEM 3**

4. A minimum dimension of 6m shall be provided between the rear of the parking bays within the parking court to allow sufficient space for vehicles to manoeuvre and turn.
5. The vehicular hardstandings shall have minimum dimensions of 2.9 metres x 5.5 metres with 3.9 metres x 5.5 metres being provided where vehicular hardstandings are bounded by walls or other construction. The vehicular hardstanding for the mobility apartment should ideally have minimum dimensions of 3.9 metres x 6.5 metres.
6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
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 parking of operatives' vehicles and the reception and storage of building materials clear of the highway.
8. 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.
9. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport, approved by Essex County Council, to include 10 (ten) All Essex Scratchcard tickets.
10. A financial contribution of £8,000 towards public transport Improvements to include, but not be limited to, raised kerbs and bus shelter provision on Hockley Road adjacent to the site, as deemed necessary by the Highways Engineer.

3.18 **RDC Strategic Housing:** Comments made.

3.19 We support the application by Sanctuary Housing Association to build new affordable homes at Stratford House. However, we would like to see a commitment from Sanctuary to ensure that all the properties remain affordable in perpetuity, unless a tenant wishes to exercise their right to acquire (if the property is rented) or staircase up to 100% (if the tenant buys a share of it [shared ownership]). To ensure this commitment, we would want sanctuary to sign a Unilateral Undertaking or S106 Agreement.

**SCHEDULE ITEM 3**

3.20 Existing Development

- Stratford House provided mostly studio type accommodation with a few 1-bed flats.
- The scheme would have accommodated approximately 26 people.
- Rochford Housing Association had some difficulties moving residents away from Stratford House because residents liked living there.
- Few vacancies arose and those that did were filled quickly.
- The scheme was developed some time ago and if still occupied, significant investment would (arguably) be needed to ensure its suitability to today's residents (many people don't like living in studio type accommodation). If re-development occurred, this could reduce the number of available properties available to let.

3.21 Proposed Scheme

- A significant demand exists for general needs accommodation in Rayleigh.
- Seven sheltered housing schemes (Britton Court, Chignal House, Francis Cottee Lodge, Gordon Roughley Court, Hanover Court, Sangster Court, The Lavers) exist in Rayleigh; Britain Court is almost opposite Stratford House.
- Zero housing register applicants are in band A (urgent priority for housing) and want sheltered housing in Rayleigh
- Twenty eight housing register applicants are in band A (urgent priority for housing) and require general needs housing in Rayleigh (six require 1-bed homes - 19 need 2-bed homes - 8 need 3-bed homes)
- Overall, 304 housing register applicants have a housing need and want to live in Rayleigh; this compares to just 28 for sheltered housing.
- The proposed scheme could accommodate approximately 23 people (this presumes one person lives in a 1-bed home, 3 live in a 2-bed home and 4 live in a 3-bed home).

3.22 Given the choice between the existing Stratford House development and the proposed scheme, we would support the re-development.

3.23 **ECC Historic Buildings Adviser:** No objection.

3.24 After much discussion and many revisions, the design of the new buildings is now successfully resolved. They are in keeping with the scale, character and appearance of their neighbours across Hockley Road, which was recommended in preference to trying to emulate the older properties in the Conservation Area. I consider the application satisfactory and recommend that permission is granted.

3.25 I suggest the conditions that external materials and finishes are to be agreed and large-scale detailed and annotated designs for new windows and doors are to be approved before works begin.



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**SCHEDULE ITEM 3**

3.26 **Rochford District Council (Arboriculture):** No objection, subject to conditions.

3.27 First Consultation Response:

The arboricultural information provided identifies how the trees could be impacted by the proposal, with some brief remarks as to mitigation/protection measures. There is not sufficient detail provided to sufficiently demonstrate how the trees will be protected to implement this proposal. A more detailed and robust method statement to demonstrate how the trees are to be protected. It appears that the arboricultural consultant has not been provided with detailed information to allow this. Statements, including "should," make the advice given too weak to enable the Local Authority to condition the protection measures prescribed.

3.28 Recommend refusal until a more detailed and robust arboricultural method statement is provided.

Second Consultation Response:

3.29 The additional report provides more detail but I would like the following added as conditions, if possible, to enforce the tree protection as the method statement doesn't appear to reinforce these:-

- 1) Signs will be placed on the tree protective fencing outlining its importance and emphasising that it is not to be moved during the construction period.
- 2) No access into the RPA (root protection area) is to be permitted, except if permission has been granted by the Local Authority prior to doing so and all works in this protective area are supervised by a qualified arborist.
- 3) Arboricultural site supervision will be undertaken once a month for the duration of the project to ensure that all protection measures are being implemented and maintained. A log of visits will be kept in the site office for inspection by the Local Authority, if required.

3.30 **ECC (Education):** Comments received.

3.31 The development falls in the priority admissions area of The Fitzwimarc School, which has a permanent capacity for 1350 children. According to the latest Essex School Organisation Plan (SOP), published in January 2011 there were 1350 children on roll in January 2010 and it is forecast that at 2015 there will be 1357 children at the school. It is therefore clear that action will be needed to provide additional places and that this development will add to that need.

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**SCHEDULE ITEM 3**

- 3.32 According to the forecasts it is anticipated that there will be sufficient early years and childcare places and primary places to meet the needs of the development.
- 3.33 Essex County Council's School Service requests that a S106 Agreement to provide a secondary education contribution is drawn up to require the contribution of £19,656 at April 2011 costs and would be index linked from this date using the PUBSEC index.
- 3.34 **Anglian Water:** No objection, recommended condition and informative.
- 3.35 "Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."
- 3.36 The foul drainage from this development is in the catchment of Rayleigh East Sewage Treatment Works that at present has available capacity for these flows. The sewerage system at present has available capacity for these flows.
- 3.37 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval with the condition:-
- 3.38 1. No dwellings/premises shall be occupied until the works have been carried out in accordance with the surface water strategy so approved, unless otherwise approved in writing by the Local Planning Authority.
- 3.39 **Rayleigh Through The Looking Glass:** Comments made.
- 3.40 Concerns raised regarding protection of the listed milestone during demolition and construction with the view that this should be removed during demolition and construction and returned thereafter.
- 3.41 **Neighbours:** 2 responses received:-
- 3.42 Occupants of 84 Derwent Avenue, Rayleigh
- Is of the view that this application is a 'done deal'.
  - Questions raised about how the proposal would affect existing residences in the area and the existing parking arrangement.

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**SCHEDULE ITEM 3**

- Questions also raised as to where the proposed properties would sit and when residents would get a plan of how it is all going to be laid out and how it is going to affect properties.
- A view expressed that the area is crowded enough as it is.

**3.43 Occupants of 24 Hockley Road, Rayleigh**

- Change of use from sheltered to social rented accommodation will devalue all property in area, including mine.
- The design is not sympathetic or in keeping with listed buildings in the area. It is too large and dominates surrounding accommodation and landscape.
- The block in Swayne Court overlooks our garden offering little privacy. It is higher and closer to our boundary and too close to the road.
- The trees in my garden and on the site are going to be adversely affected during build. Protection of trees in conservation must be considered, including likely damage during construction. The tree report has suggested relocating the bin area to minimise this.
- There is significant increase in living accommodation/floor space, numbers of residents and traffic as a result of the development. Negative impact in the area.
- Car parking is already a problem in Swayne Court as it is close to the High Street. This is likely to further frustrate this problem.
- I would not be allowed to develop roof space of listed building and this new development does not support listed building or Conservation Area design.
- The feeling of this area will significantly alter from a quiet location to busy residential block due to change of use and increase in numbers of residents.
- This is over-development, having negative impact on local residents and will de-value property value. There will be greater noise re cars, residents, bins banging close to the house; it is dangerous for a 3 storey building in Swayne Court to be right onto street.
- Need assurances that access on and off site during and post-build will not affect residents, damage trees with low clearance, that are mature and in Conservation area.
- During build itself, I am particularly concerned about problems in storage of materials and access on and off site, due to limited space given considerations read for trees subject of TPOs.
- The building design does not go enough of the way to blend into environment. The properties around are Georgian and Victorian. The quality of material being used should better reflect these historic buildings, e.g., high specification slate roofing, weathered, stock brick etc.

**SCHEDULE ITEM 3**

**MATERIAL PLANNING CONSIDERATIONS**

**PRINCIPLE OF DEMOLITION AND RE-DEVELOPMENT**

- 3.44 The demolition of the existing building on the site has already been approved in the determination of the earlier application for Conservation Area consent to demolish within the Conservation Area, subject to a condition that no demolition occurs before planning permission and a contract for development of the site is in place. This application was determined in accordance with Policy BC2 of the adopted Local Plan, which specifies criteria to be met before demolition will be allowed within a Conservation Area in the interests of preserving the character and appearance of the area.
- 3.45 The existing building was not considered to be of any particular architectural or historic merit and not considered to make a significant positive contribution to the character and appearance of the Conservation Area. Part (i)(b) of Policy BC2 was noted, which normally requires the submission of evidence that a building proposed for demolition within a Conservation Area is beyond reasonable repair and that every effort has been made to find compatible alternative uses for the building and to sell it on the open market. However, in this case given that the proposed demolition arose from an intent by Sanctuary Housing to re-develop the site to provide better quality affordable accommodation, the proposed demolition was not considered objectionable in relation to this part; it was not considered necessary for re-use of the existing building to be considered, particularly given that the existing building is of no particular design merit.
- 3.46 In conservation terms, the proposed demolition has already therefore been accepted.
- 3.47 The site is residentially allocated in the adopted Local Plan and consequently the principle of residential redevelopment of the site is also accepted.
- 3.48 There is no local or national planning policy or other material considerations that warrant a different view being taken with regard to the acceptability of the proposed demolition within the current planning application.
- 3.49 A planning condition, similar to that imposed on the Conservation Area Consent, is recommended for any planning approval issued to require a contract for the re-development of the site to be entered into prior to any demolition approved under the a planning permission.

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**SCHEDULE ITEM 3**

**AFFORDABLE HOUSING**

- 3.50 The proposal would involve only the provision of affordable housing at the site and as such would not conflict with the requirements of both local and more up-to-date national planning policy that affordable housing be provided within residential development schemes of a certain size. The proposal for 13 dwellings would not actually meet the threshold of 15 dwellings, which would trigger the policy requirement for affordable housing provision. However, given the proposal to demolish existing affordable housing stock, a proposal to not replace with affordable units would likely be considered objectionable.
- 3.51 The proposal would result in a reduction in the number of affordable housing units as 26 sheltered housing units would be replaced by 13 new units. This is not, however, considered objectionable given the type and size of the proposed replacement units.
- 3.52 Although 26 units would be replaced by 13 units, the replacement units would almost all be capable of accommodating a greater number of persons per unit. Overall, the number of people housed in affordable units would not be expected to materially be reduced as a consequence of the proposed development.
- 3.53 The type of units proposed would meet general affordable housing need rather than a specific sheltered accommodation need. Whilst the sheltered accommodation need in the District is such that were the existing sheltered units to be available the units would be likely to be filled within a short time; the need for general affordable housing is greater.
- 3.54 In addition, it is not the case that the existing building accommodating sheltered housing units is currently fit for purpose. The existing building is in need of renovation and rather than renovate the Housing Association has identified the site as one for re-development in order to provide fit for purpose affordable housing at the site.
- 3.55 It is considered that the proposal maximises use of the site for the provision of affordable accommodation; it is unlikely that any greater number of affordable units could be provided on site within a scheme that also satisfies policy requirements for amenity space, parking and other matters of layout and is acceptable with regard to scale, form and design, which are of particular sensitivity given the location of the site within the Conservation Area.
- 3.56 The requirement of Policy HP8 of the Local Plan that affordable housing be retained in perpetuity for the use of successive, as well as initial, occupants could be met by the imposition of a planning condition, which is recommended.

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**SCHEDULE ITEM 3**

**SCALE, DESIGN AND FORM OF REPLACEMENT BUILDINGS**

- 3.57 Policy HP6 and HP11 of the Local Plan sets out the requirement for a high standard of design and layout of new housing and flatted schemes. In addition to this, the site is located in a particularly sensitive location within Rayleigh Conservation Area and consideration must also be given to the requirements of Policy BC1, which requires the preservation and enhancement of the character and appearance of conservation areas.
- 3.58 The applicant has undertaken a significant amount of pre-application discussion and has documented the progression of the proposal in the design and access statement that accompanies the application. The applicant has made numerous amendments to the scale, design and appearance of the proposed buildings and to the layout in order to meet the Council's policy requirements, particularly with respect to amenity and parking space standards.
- 3.59 The proposal is considered to be of a scale in keeping with the character of the surrounding area. The proposed building fronting Hockley Road would be approximately 1 metre greater in ridge height compared to the existing building with the proposed building fronting Sweyne Court less than half a metre greater in maximum height. The built form of the surrounding area varies in scale from relatively modest properties, including the detached bungalow to the north of the site, and relatively modest two storey detached, semi and terraced houses along Hockley Road to the south, to the larger scale 3 storey terraced block immediately opposite the site on the opposite side of Hockley Road. In terms of overall amount of built form the proposal is not considered to be significantly different to the existing development on the site and would not result in a change in character to the site, which would have a harmful effect on the character of this part of the Conservation Area; the existing buildings extend the full width of the site frontage along Hockley Road, something which would be mimicked by the proposed re-development. In terms of layout, the proposed re-development would also mimic the existing in that the built form would be sited towards the site boundaries with amenity space provided centrally within the site.
- 3.60 The form and design of the proposed buildings is considered acceptable; it is considered that the buildings would sit comfortably within their surroundings and not appear out of place to the detriment of visual amenity. The re-development proposal is considered to be a marked improvement on the existing buildings on the site in terms of quality of detailing and with respect to the form of the buildings proposed.
- 3.61 Both buildings are considered to be well-proportioned with features incorporated including stone copings, down pipes and use of different facing materials, which would act to break up the overall mass. Flat roofed porch over hangs to the front doors to the building fronting Hockley Road would reflect the flat roof form of the proposed dormers, as would the flat roof to the two storey projections reflect the dormers on the Sweyne Court building.

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**SCHEDULE ITEM 3**

- 3.62 The dormers to both buildings would act to break up what would otherwise be a considerable expanse of tiled roof, particularly to the Hockley Road frontage building and would be similar to those on the nearby terrace of properties opposite the site in Rectory Garth. The dormers would be modest in size and would not dominate the roof form.
- 3.63 The fenestration to both buildings would be well positioned to achieve balance and a degree of symmetry, which would be pleasing to the eye. The use of detailing such as stone window surrounds and timber framed windows and doors are encouraged within the Conservation Area.
- 3.64 The proposal is not considered harmful to the character and setting of the adjoining listed building and a condition is recommended to ensure that a means of protecting the listed milestone adjacent to the site during demolition and construction is agreed prior to any works commencing.

**LAYOUT**

- 3.65 The proposal would provide private, enclosed rear gardens to each of the terraced properties and to the two flats within the building that would front Hockley Road.
- 3.66 The garden areas to 4 of the terraced properties would each exceed the required minimum 50 square metres of garden space with two significantly exceeding this requirement with the provision of an additional 26 and 30 square metres of space and the other marginally exceeding the requirement with additional space of some 5 and 7 square metres. The remaining terraced property would benefit from a garden area of 50 square metres. Although each of the gardens to the terraced properties would fall short of the policy guidance requirement that terraced properties have a garden area to a minimum depth of 2.5 times the width of the property by between 2 and 5 metres, as each garden would exceed the 50 square metre requirement and given that each would benefit from a useable garden space, the amount of garden space to each terraced property is considered to be acceptable.
- 3.67 The first floor flat would be provided with a private garden of some 27 square metres at ground floor level with an independent means of access and the ground floor flat with an area of 30 square metres. These spaces are considered acceptable given that they would exceed the normal requirement for 25 square metres per flat where communal space is proposed.
- 3.68 186 square metres of amenity space would be provided as communal space, which would meet the policy requirement for 25 square metres per flat for the 6 flats proposed in the separate block. The space would be useable and is considered acceptable.

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**SCHEDULE ITEM 3**

- 3.69 The proposed layout would retain the integration of the site with the neighbouring residential flatted development at Langdale House; the proposed amenity space to the rear of the flatted block would abut existing footpaths, which provide access around the adjoining residential flatted accommodation with Langdale House.
- 3.70 Adequate bin storage provision would be provided, with space within private rear gardens for the block fronting Hockley Road and space within the flatted building for use by the other flats.

**IMPACT ON RESIDENTIAL AMENITY**

- 3.71 As a result of the proposed development the detached bungalow neighbouring the site to the north, would sit alongside the proposed end of terrace property. At present this neighbouring property is bordered by a significant expanse of elevation of the existing sheltered housing building, which extends the full length of this neighbouring property's rear garden with windows overlooking the garden space. The relationship that would result between the proposed development at this neighbouring property is considered acceptable as it would not result in harm to the level of amenity that ought to be reasonably expected by the occupiers of this neighbouring property by virtue of overshadowing, being overbearing or causing overlooking and loss of privacy.
- 3.72 The proposal would also have an impact on the existing residential flats within the adjoining Langdale House. At present that part of the sheltered housing block closest to Langdale House is sited part overlapping the neighbouring building some 3.2 metres away and contains no windows in the flank wall facing this neighbouring building.
- 3.73 The proposed flatted block would be positioned further from Langdale House some 8.5 metres away and would be sited forward of the front elevation of this block facing Swayne Court. This proposed siting of the new block would be likely to give rise to a greater degree of overshadowing of the neighbouring dwelling's windows, which face south. The increased potential for overshadowing would, however, be restricted to the latter part of the day given the orientation of the proposed block due west of Langdale House.
- 3.74 Although windows are proposed to the rear elevation of the new flatted block these would not directly face any windows to existing dwellings in Langdale House and would serve only bedrooms such that the potential for overlooking and loss of privacy, which would be unreasonable, would not result. The windows proposed to the eastern elevation of the new block would directly overlook parking and open space and not cause any concern.



**SCHEDULE ITEM 3**

- 3.75 Part of the existing building on site is already positioned very close to the boundary of the site with Sweyne Court to the south and the dwelling house on the opposite side of the road at No. 24 Hockley Road. That part of the existing building close to the site boundary is however single storey with only windows at ground floor. Whilst the two storey part of the existing building which lies opposite this neighbouring site and which has windows at first floor is in part close to the boundary (at the south-west corner), part is set back from the site boundary by some 12 metres.
- 3.76 The proposal would bring some of the built form closer to the southern boundary of the site opposite No. 24.
- 3.77 The flatted block which would be attached to the proposed terrace on the corner of Hockley Road and Sweyne Court, whilst being slightly greater in height than the existing, would not give rise to a relationship with No. 24, which would be materially different to that which currently exists and would not give rise to a materially greater degree of harm to the amenity of No. 24 by way of causing overshadowing or overlooking or being overbearing.
- 3.78 The proposed flatted block facing Sweyne Court would be positioned directly facing the rearmost 17 metres of the rear garden of No. 24 and at three storeys would contain a significant amount of fenestration. The windows that would face the rear garden would all serve kitchens and lounges to the proposed flats. A distance of some 9.5 metres would be provided between the windows to the flatted block and the rear garden of No. 24 across the road, Sweyne Court. The proposal would increase the potential for overlooking to the garden of No. 24, however, the boundary and rear garden to No. 24 does contain several mature trees and a large detached out building, which would act to reduce the potential for overlooking, which would lead to an unreasonable impact on privacy.
- 3.79 Although the proposal would increase the potential for overlooking to this property, the relationship that would result between the existing and proposed buildings is not considered to be such that would be uncharacteristic within an urban setting and would not give rise to harm to the amenity that ought reasonably be expected by the occupants of No. 24 such as to warrant refusal of the application.
- 3.80 It is considered that the proposed buildings would be positioned sufficiently far from the other property neighbouring the site at No. 84 Derwent Avenue such that the proposal would not have any greater impact on amenity to this neighbour than the existing development. The proposed parking to the northern boundary is not likely to result in an increased degree of harm to amenity such as would be unreasonable.

**SCHEDULE ITEM 3**

**PARKING AND HIGHWAYS**

- 3.81 Parking would largely be provided to the rear of the proposed dwellings with two smaller areas provided with accesses off Sweyne Court. Whilst one of the smaller parking areas would utilise a tandem parking arrangement this is not considered objectionable given that these spaces could be allocated to one dwelling to avoid problems of cars being blocked in. This tandem arrangement would be onto Sweyne Court, which is a cul-de-sac rather than a main road, where such an arrangement might give rise to conflict within the highway.
- 3.82 24 parking spaces would be provided with each space meeting the preferred bay size of 2.9m by 5.5m, which would meet the parking standard provision requirement for each of the dwellings on the site, which would total 21 spaces. The parking standard also requires the provision of visitor spaces at 0.25 spaces per dwelling, which would equate on this site to a requirement for 4 additional spaces. Whilst only 3 visitor spaces would be provided this is not considered objectionable given the location of the site close to the town centre where good public transport links can be found within easy walking distance of the site.
- 3.83 Two disabled bays would be provided to serve the one-bed ground floor wheelchair flat. The parking standard would require 1 of the visitor spaces to be provided as a disabled bay, whilst this is not shown, bay space 9 could be provided as a disabled bay, widening into the amenity space area adjoining. The loss of amenity space would not result in the proposal failing to achieve the required amenity space provision.
- 3.84 Cycle storage for the flats that would not have a private garden would be provided in a secure and accessible location to meet the parking standard requirement of 6 storage spaces.
- 3.85 Vehicular access to the site would remain off Sweyne Court, rather than Hockley Road, and there is no objection from Essex County Council with regard to this although a number of conditions are recommended.
- 3.86 The County Council has requested £8,000 towards the provision of public transport improvements, despite the site being within easy walking distance of the town centre. The applicant has been advised of the request and officers await a response.

**ARBORICULTURE**

- 3.87 There are currently a number of trees on and close to the application site including oak, sycamore, maple, plum, cherry, whitebeam and hornbeam. Two of the trees on the site, one close to the southern boundary (sycamore), one centrally positioned on the eastern boundary (red oak) and one tree positioned on the northern site boundary (sycamore) are subject to Tree Preservation Orders. All of these trees would be retained.

**SCHEDULE ITEM 3**

- 3.88 A small group of trees (leyland cypress) close to the northern site boundary would be removed, as would two individual trees, one centrally positioned (cherry), one close to the south-west corner of the site (cherry) and one close to the south-east boundary (plum). Although this latter tree was originally shown to be retained the applicant has revised the tree report and now proposes to remove this tree stating reasons of proximity with the proposed retaining wall around the nearby parking spaces. The plum tree proposed for removal is, however, considered to make an important contribution to the street; it is readily visible from Swayne Court and the public footpath running to the south-east corner of the site. It is considered that the justification for removal of this tree, which is within the Conservation Area, has not been substantiated and the recommendation is that a condition is imposed requiring the retention of this tree unless the applicant demonstrates to the satisfaction of the Local Planning Authority that the proposed car parking could not be accommodated without the provision of a retaining wall, which would necessitate the removal of the tree.
- 3.89 The removal of the trees proposed is not considered objectionable given the quality and contribution of these trees to visual amenity and given that two replacement trees would be planted, which would act to soften the appearance of the car parking area.
- 3.90 Conditions are proposed to ensure that necessary protection measures and methods of construction working in close proximity to trees to be retained on site are controlled to ensure no damage to trees occurs. The proposed development would not adversely affect any trees close to the site.
- 3.91 Some of the residential units proposed would be sited in fairly close proximity to trees to be retained. Given the proposed layout and design of units it is considered that the proposed units would benefit from acceptable levels of daylight such that the proposed development should not result in any need for existing trees to have to be cut back to an extent that the trees' viability would be adversely affected.

**ECOLOGY**

- 3.92 A survey of the existing buildings for the presence of bats has been conducted during which no evidence of bat activity was recorded. However, the report recommends that a nocturnal survey is carried out prior to demolition as features suitable for use by roosting bats were identified within all of the buildings.
- 3.93 There are no other concerns with regard to ecology arising given the developed nature of the site.

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**SCHEDULE ITEM 3**

**FLOOD RISK**

- 3.94 The application site is not in an area classed as an area at risk of flooding. No objection has been raised with regard to the provision of foul or surface water drainage.

**EDUCATION PROVISION**

- 3.95 The County Council Schools Provision Team has requested the applicant makes a contribution of £19,656 towards the provision of secondary school places with justification provided. The applicant has been advised of this request and officers await a response.

**CONCLUSION**

- 3.96 The proposed replacement of an existing sheltered housing scheme containing 26 units with an affordable housing scheme of 13 units consisting of general needs affordable accommodation is considered acceptable, given that the new provision would help to address the greatest identified housing need at present.
- 3.97 The proposed scheme is considered acceptable in the context of the Conservation Area designation and its proximity to nearby listed buildings.
- 3.98 The re-development proposal would achieve an acceptable relationship with existing nearby buildings and would not give rise to impacts on amenity that would be unreasonably harmful.
- 3.99 The proposal would achieve a good layout, which would accommodate acceptable amounts of amenity space, parking and bin storage provision and would ensure that the most important trees are retained.

**RECOMMENDATION**

- 3.100 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions and to the submission of a signed Unilateral Undertaking for contributions of £8,000 (ECC Highways) and £19,656 (ECC Schools):-

- 1 SC4B Time Limits Full – Standard
- 2 Notwithstanding the proposal as shown on the tree protection plans Drawing No's; c110614-01, c110614-02 and c110614-03 to remove the existing tree No. 954, this tree shall not be removed but shall be retained as existing unless the applicant demonstrates by submission in writing (which shall be approved by the Local Planning Authority) to the satisfaction of the Local Planning Authority that the parking spaces to be provided adjacent to this tree cannot be provided without the need to remove the tree.

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**SCHEDULE ITEM 3**

- 3 Prior to commencement of the development hereby approved, precise details of the means of protection of the listed milestone adjacent to the site during demolition and construction shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the details agreed.
- 4 No development shall commence before details of all 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. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.
- 5 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 extensions shall be erected on any elevations of the terraced dwelling houses hereby permitted.
- 6 No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping, which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
  - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas and the material to be used in such, which shall for the parking areas create a porous or permeable surface and which shall not include any unbound material to be used in the surface treatment of the vehicular access within 6 metres of the highway boundary;
  - means of enclosure and other boundary treatments and materials to be used in such

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.

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**SCHEDULE ITEM 3**

- 7 No development shall commence before all existing trees to be retained as shown on the tree protection plans Drawing No's; c110614-01, c110614-02 and c110614-03 have been protected to the extent detailed on these plans with protective fencing, as detailed in the submitted tree report dated July 2011 and September 2011, which shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the fencing. Signs will be placed and retained on the tree protective fencing outlining its importance and emphasising that it is not to be moved during the construction period with the permission of the Local Authority.
- 8 Unless the removal of tree No. 954 has previously been agreed by condition 2, no development shall commence before precise details have been submitted in writing and agreed by the Local Planning Authority showing the position of protective fencing to be installed around this tree during demolition and construction hereby approved. The protective fencing to this tree shall be installed in accordance with the details agreed prior to the commencement of any demolition hereby approved and shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the fencing. Signs will be placed and retained on the tree protective fencing outlining its importance and emphasising that it is not to be moved during the construction period with the permission of the Local Authority.
- 9 No access into the RPA (root protection area) of any tree to be retained shown on tree protection plans Drawing No's; c110614-01, c110614-02 and c110614-03 including tree No. 954 subject to condition 2 and 3 above, shall take place, except if permission has been requested in writing and granted by the Local Authority prior to doing so and providing that all works in this protective area are supervised by a qualified arborist.
- 10 Arboricultural site supervision will be undertaken once a month for the duration of the project to ensure that all protection measures are being implemented and maintained. A log of visits shall be kept in the site office for inspection by the Local Authority, if required.

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**SCHEDULE ITEM 3**

- 11 Prior to the commencement of the development hereby approved, elevation drawings at a scale of at least 1:20 (adequate to show the necessary level of detail) and annotated sectional drawings at a scale of at least 1:2 of each window and door type proposed in the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority, together with details of the proposed material to be used in construction, including finish and paint colour, where applicable. All windows and doors used in the development hereby approved shall be provided strictly in accordance with the details agreed.
- 12 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 into the site off Swayne Court and shall be provided to the western side of the proposed tandem parking spaces, also accessed off Swayne Court. Such visibility splays shall be retained free of any obstruction above 600mm in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 13 The vehicular access and hardstandings shall be provided with appropriate dropped kerb vehicular crossings of the footway as shown on the drawing. The redundant lengths of existing vehicular crossings should be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing, to the satisfaction of the Highway Authority immediately the proposed new accesses are brought into use.
- 14 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport, approved by Essex County Council, to include 10 (ten) All Essex Scratchcard tickets.
- 15 The dwellings hereby approved shall remain 'affordable housing' within the definition of such contained within Annex B of Planning Policy Statement 3: Housing dated June 2011 in perpetuity, unless a tenant wishes to exercise their right to acquire (if the property is rented) or staircase up to 100% (if the tenant buys a share [shared ownership]).
- 16 The demolition hereby approved shall not take place until a contract for the carrying out of works of re-development has been made and planning permission for those works has been granted.
- 17 Prior to commencement of the development hereby approved a nocturnal survey of the existing buildings for the presence of bats shall be conducted in order to ascertain whether roosting bats are present at the site. Details of the survey results in a report including mitigation measures to be undertaken and a timeframe for implementation if roosting bats are found to be present shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures agreed shall be implemented on site to the timeframe agreed.

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**SCHEDULE ITEM 3**

**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.

**Relevant Development Plan Policies and Proposals**

Policy BC2, HP6, HP8, HP11 of the adopted Rochford District Replacement Local Plan (2006)

Supplementary Planning Document 2 - Housing Design

Planning Policy Statement 3 - Housing

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



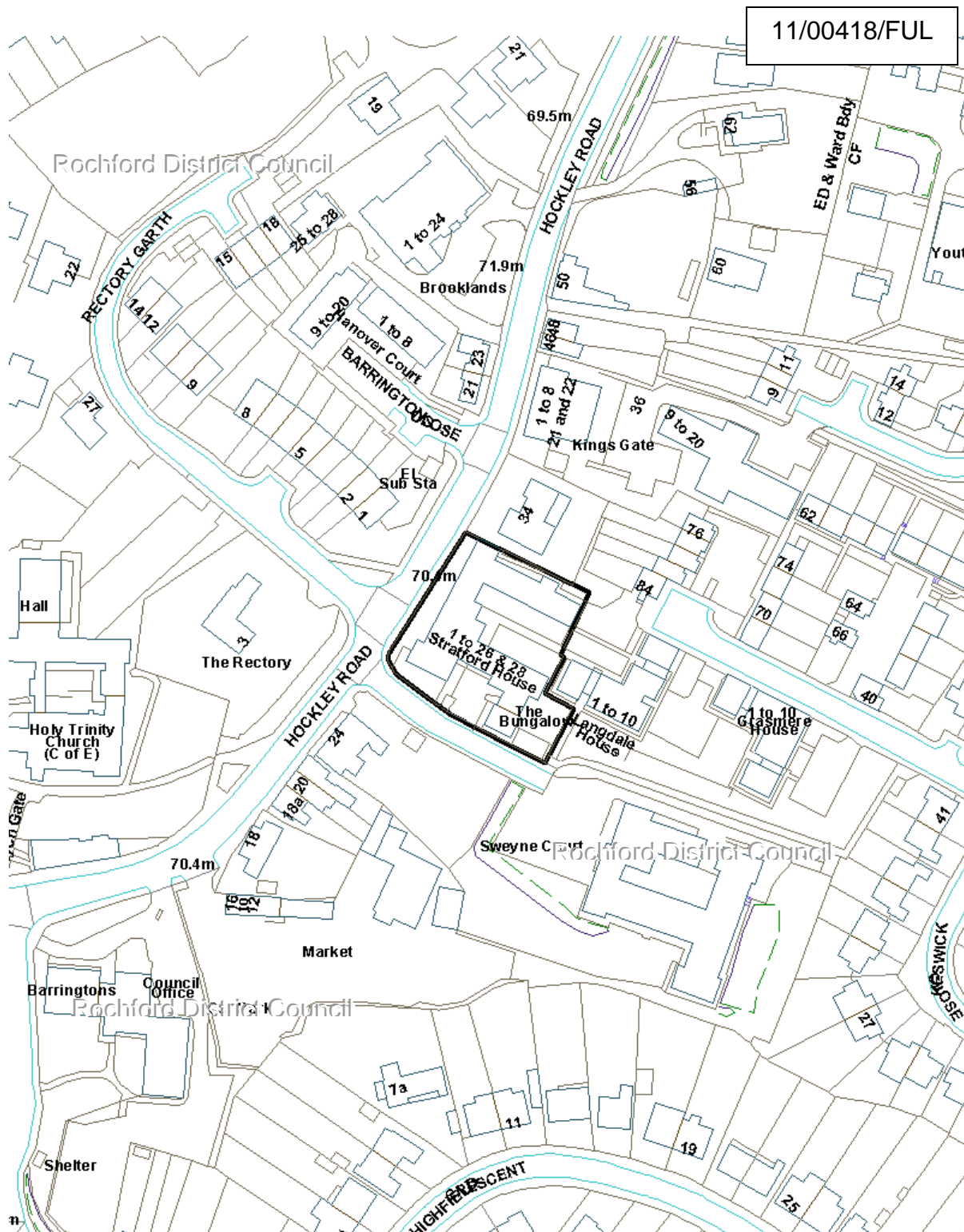
Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Katie Rodgers on (01702) 318094.



**SCHEDULE ITEM 3**



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## **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

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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.