



Rochford District Council

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY DEVELOPMENT COMMITTEE - 25 August 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 locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

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

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

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

Ward Members for Committee Items

HOCKLEY WEST

Cllr M Maddocks

SCHEDULE ITEMS

Item 1	11/00429/FUL Replacement Of Units 5 And 6 On A Like-For-Like Basis For Continued Use For Ancillary Domestic Purposes (Unit 5) And Storage Of Theatre Props (Unit 6) Long Acres Lower Road Hockley	Mr Mike Stranks	PAGE 5
Item 2	11/00430/COU Change of Use of Unit 1 To Car Repairs Long Acres Lower Road Hockley	Mr Mike Stranks	PAGE 16
Item 3	11/00431/COU Change of Use of Unit 4 to Domestic Store and Ancillary Workshop, Ancillary to the Main Dwelling House at Long Acres Long Acres Lower Road Hockley	Mr Mike Stranks	PAGE 25
Item 4	11/00432/COU Change of Use of Units 7, 8 and 9 to Car Storage Long Acres Lower Road Hockley	Mr Mike Stranks	PAGE 33
Item 5	11/00538/EXTM Demolish Nightclub And Training Facilities; Erect 22,000 Seat Football Stadium Including 114 Bedroom Hotel, Conference Floorspace, Players Hostel, Food And Drink Concessions, Bars And Other Ancillary Facilities; erect 67 flats with basement parking, erect retail units (Class A1) totalling 16,400 sq metres of floorspace of which at least 20% shall be restricted to bulky/DIY goods, erect restaurant (Class A3) comprising 279 sq metres of floorspace, erect health club (Class D2) totalling 3205 sq metres of floorspace, lay out parking and cycle spaces and associated landscaping and form vehicular accesses onto Eastern Avenue and Fossetts Farm Link Road (application to extend the time limit for implementation following planning permission 06/01300/FULM granted 30/06/2008) Part Of Fossetts Farm And SUFC Training Ground Eastern Avenue Southend-On-Sea	Katie Rodgers	PAGE 42

SCHEDULE ITEMS

Item 6 11/00695/FULM Katie Rodgers PAGE 43

Revised planning application for demolition of a nightclub and football training facilities; 67 residential units, 22,000 seater stadium, erect A1 retail units totalling 18,878 sqm (sq metres) gross (including 1,400 sqm gross of food); erect three A3 units of 909 sqm floorspace, erect D2 health club of 2,370 sqm floorspace, a casino of 2,098 sqm floorspace, stadium hub cafe (A3) and bar (A4) of 1,307 sqm floorspace; training academy of 3,732 sqm of floorspace, layout of parking and cycle spaces, associated landscaping and access works (Amended Proposal)
Part Of Fossetts Farm And SUFC Training Ground Eastern Avenue Southend-On-Sea

SCHEDULE ITEM 1

TITLE: 11/00429/FUL
REPLACEMENT OF UNITS 5 AND 6 ON A LIKE-FOR-LIKE
BASIS FOR CONTINUED USE FOR ANCILLARY DOMESTIC
PURPOSES (UNIT 5) AND STORAGE OF THEATRE PROPS
(UNIT 6)
UNITS 5 AND 6 LONG ACRES LOWER ROAD HOCKLEY

APPLICANT: MR AND MRS A ELLIOTT

ZONING: METROPOLITAN GREEN BELT AND SPECIAL LANDSCAPE
AREA

PARISH: HOCKLEY PARISH COUNCIL

WARD: HOCKLEY WEST

- 1.1 This application is brought before the Committee in accordance with protocols because the applicants are related to a member of staff working in the Planning and Transportation Department.

PLANNING APPLICATION DETAILS

- 1.2 This application is to a site on the southern side of Lower Road 470m east of the junction made with Church Road. The site generally comprises a detached bungalow set in generous grounds opening out and extending to the rear of the site. The central part of the site features a concrete access road which bridges an open ditch that runs alongside the Lower Road frontage. A bungalow is located to the western side of the access and with an in – out drive branching off the main entrance serving the greater site. To the eastern side of the main site access is a grazing paddock and stable behind a treed frontage onto Lower Road.
- 1.3 The application site concerns the group of pitched roofed, timber clad buildings each with roller type doors and access ramps and with a concrete yard and circulation areas between them that occupy only the central and rear part of the greater site.
- 1.4 Generally, the site is understood to have been previously a pig farm and which contained a collection of outbuildings in the area of the application site. More recently the applicant purchased the site and replaced those buildings. The replacement or construction of new buildings requires planning permission and this led to enquiries by the Council's planning Enforcement officers in response to complaints.

SCHEDULE ITEM 1

- 1.5 Planning applications were made earlier this year for a number of the buildings on site, as set out in the history below.
- 1.6 The current application is one of a further group of applications which are the subject of separate reports on this schedule (see application references 11/00430/FUL, 11/00431/FUL and 11/00432/FUL).

The proposal

- 1.7 This application relates to Units 5 and 6 which are located on the northern edge of the group of buildings on the site and adjoining the residential curtilage of the bungalow. The building is of a double pitched roofed design with an overall width of 9.9m and depth of 13.4m. The building has a height of 4.35m to ridge and 2.65m to eaves, and is sited on the former concrete hardstanding area of the previous building.
- 1.8 A previous application ref: 10/00804/FUL was refused planning permission in March this year for the retention of the building in continued use of unit 5 for domestic storage and that of unit 6 for the storage of theatre props.
- 1.9 The proposal would regularise the demolition of the previously standing building and the replacement of it with a new building. The applicant argues the proposal to be on a like for like replacement of the building used previously as a domestic workshop and store ancillary to the residential occupation of the adjoining bungalow and that the storage of theatre props would accord with the re-use of existing buildings.
- 1.10 The application comprises complete form and plans of the building now existing together with a planning design and access statement. There are no plans submitted for the previously existing buildings on the site.
- 1.11 The applicant considers the grant of permission earlier this year for the retention of units 2 and 3 for the repair and painting of motor vehicles to be a material consideration.
- 1.12 The applicant also relies on the fall back position that the same building subject to a ridge height reduction of 0.35m and eaves height reduction of 0.15m could be built in the curtilage to the adjoining bungalow under permitted development rights. The applicant argues however that it would be preferable to retain the building in domestic use in its current position rather than increase the sprawl of built form into the open areas of the site and the adjoining garden.

SCHEDULE ITEM 1**RELEVANT PLANNING HISTORY**

Application No. ROC/479/60
Outline application for residential development.
Permission refused.

Application No. ROC/753/64
Erect one dwelling.
Permission refused.

Application No. ROC/310/67
Erect six pig buildings, vehicular access, access road and cesspool.
Permission granted 15th August 1967.

Application No. ROC/186/71
Site a dwelling.
Permission granted 11th April 1972.

Application No. ROC/190/72
Site a residential caravan during building operations.
Permission granted 6th June 1974.

Application No. ROC/1105/75
Residential caravan.
Permission refused 3rd February 1976.

Application No. ROC/541/79
Erection of a farm shop.
Appeal dismissed 11th September 1980.

Application No. ROC/229/84
Single storey building use as a farm shop.
Permission refused 22nd June 1984.

Application No. ROC/254/85
Erect single storey building as use as a shop.
Permission granted 23rd October 1985.

Application No. 02/00874/LDC
Application for a certificate of lawfulness for use of existing dwelling without compliance with condition 4 to permission ROC/186/71 (Agricultural occupancy condition).
Certificate granted 5th October 2002.

SCHEDULE ITEM 1

Application No. 10/00801/FUL

Replacement of Unit 1 on a Like-for-Like Basis For Continued Use for the Storage and Repair of Motor Vehicles.

Application withdrawn.

Application No. 10/00802/FUL

Replacement of Units 2 and 3 on a Like-for-Like Basis for Continued Use for the Repair and Painting of Motor Vehicles.

Permission granted 1st March 2011.

Application No. 10/00803/FUL

Replacement of Unit 4 on a Like-for-Like Basis for Continued Use for Ancillary Domestic Purposes.

Application withdrawn.

Application No. 10/00804/FUL

Replacement of Units 5 and 6 on a Like-for-Like Basis for Continued use for Ancillary Domestic Purposes (Unit 5) and Storage of Theatre Props (Unit 6).

Permission refused 4th March 2011 for the following reason;

- (1) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt and the proposal to construct a new building for domestic workshop and storage and commercial storage of Theatre props is considered to be inappropriate development as defined within Planning Policy Guidance Note 2: Green Belts (1995). Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings (other than reasonable sized extensions or replacement of existing dwellings, as defined in Policies R2, R5 and R6 of the Local Plan). The construction of a substantial new building for domestic and commercial together with reliance open areas to the east of the envelope of buildings to provide commercial parking to serve unit 6 adversely impacts upon the openness of the Green Belt. Furthermore, if the proposal were allowed to be retained for the purpose of domestic storage associated with the bungalow adjoining the site and within the applicants control, further harm to the openness of the Green Belt would result from the piecemeal expansion of residential outbuildings and extension of the residential curtilage to further urbanise that part of the Green Belt in which the site is situated.

CONSULTATIONS AND REPRESENTATIONS

- 1.13 **Essex County Council Highways:** Comment received.

SCHEDULE ITEM 1

1.14 No objection to raise subject to the following condition:

- (1) Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the local planning authority and such space shall be maintained thereafter free of any impediment to its designated use.

REASON: To ensure that vehicles can enter and leave the highway in forward gear in the interests of highway safety.

Environment Agency: Comment received.

1.15 Make the following advisory comments (summarised);

- 1.16 (1) Advise that in order to protect the water environment from pollution oil contamination from parking and hardstanding areas, drainage water should be passed through oil separators.
- (2) Roof water should not pass through the interceptors.
- (3) All wash down and disinfectant waters shall be discharged to the foul sewer. Detergents entering oil separators may render them ineffective.
- (4) No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water draining system.
Recommend a kerb surround to all cleaning and washing areas.

MATERIAL PLANNING CONSIDERATIONS**The Green Belt Issue**

- 1.17 The site is within the Metropolitan Green Belt. There is a general presumption against inappropriate development in the green belt; inappropriate development is considered to be harmful to the green belt. The construction of new buildings in the green belt is inappropriate and whilst some exceptions are specified in Planning Policy Guidance 2, the development proposed in this application does not fall into one of the specified categories.
- 1.18 Very special circumstances need to exist to justify inappropriate development and to clearly outweigh any other harm to openness. In this respect the applicant argues that no other harm is caused by the proposal given the circumstances of the site history and the comparison to the conversion of former buildings to the same uses as now proposed that could have occurred within policy constraints.

SCHEDULE ITEM 1

- 1.19 The applicant is described in the application particulars to have moved onto the site in December 2003 and under his stewardship, reduced the number of buildings and structures as well as areas used for open storage. The applicant submits that as a result the environmental quality of the site has improved.
- 1.20 The applicant submits that having established the buildings on the site to be basically sound but neglected and in some cases containing asbestos, the applicant began a programme of renovation. The applicant sought advice from planning officers at that stage informally and incorporated the advice given on the favoured materials. The applicants did not ask about the extent of the refurbishment because it did not occur that such work would be tantamount to rebuilding. The applicant states that care has been taken to respect the original building dimensions in every respect but principally footprint, eaves and ridge heights. The applicant took the view that replacement was more cost effective and quicker than piecemeal renovation. The applicant argues that an important effect of the advice and policy contained within Planning Policy Guidance Note 2 Green Belts (1995) is that the government does not expect Local Planning Authorities to actively pursue the demolition of rural buildings to somehow improve the openness of the Green Belt.
- 1.21 The applicant submits that the businesses operating from the site are consistent with the encouragement in planning policy to promote rural diversification through the conversion and re-use of rural buildings. The applicant argues that the net effect of the proposal demonstrates acceptable outcomes in terms of visual appearance, landscape quality and traffic movements that would otherwise occur through the process of conversion of the former existing buildings generally within principles of PPG 2 and Policy R9 to the Council's saved Local Plan (2006).
- 1.22 The applicant argues that Planning Policy Statement 4: Planning for Sustainable economic growth (2009) requires that "*replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion*". District officers disagree with this interpretation which relates only to areas outside of Green Belt designation and does not override the policy and principles of PPG 2 which does not allow for new building or replacement of commercial development.
- 1.23 The applicant argues also that the application now presents the Local Planning Authority with the opportunity to impose reasonable planning conditions to control the use and any external matters that may be an issue and suggests conditions to further landscape the site, restrict hours of operation and restrict open storage as well as removal of any permitted development rights.

SCHEDULE ITEM 1

- 1.24 The applicant concludes that it would be reasonable to suppose that the replacement of a building on a like for like basis, in local vernacular style and materials, for the same use or indeed an alternative use that is appropriate in scale and character should be granted planning permission.
- 1.25 Paragraph 1 to PPS 4 states that the policies contained within it complement but do not replace or override other national planning policies and should be read alongside other relevant statements of national Planning Policy. Clearly, therefore, PPS 4 (2009) although more recent and providing national policy (amongst other things) for rural areas generally, does not override the requirements of PPG 2 (1995) which provides national policy for the more specific consideration of development in Green Belts such as the circumstances relating to this site.
- 1.26 The circumstances described by the applicant with regard to the retention of the commercial use are unfortunate rather than very special. The arguments around commercial use and reliance upon PPS 4 are largely irrelevant as the purpose proposed for Unit 6 is for storage of theatre props, equipment that does not require to be specifically stored on this site.
- 1.27 Whatever weight the applicant seeks to attach to the former uses that were unauthorised and not proven, these former uses became irrelevant once the previous buildings were demolished causing a cessation of the previous use and whereby the new building and new uses began to operate subsequently.

Very special circumstances

- 1.28 In the consideration of the previous group of applications considered earlier this year, permission was granted for the retention of units 2 and 3 (application ref: 10/00802/FUL) located at the back of the site and for the use of the repair and painting of motor vehicles. Members gave weight to the site history and establishment of non-agricultural businesses that had existed for a number of years.
- 1.29 Units 2 and 3 are larger than the units the subject of this application having a ridge height 0.3m higher, eaves height 0.2m higher, width of 5.3m wider and depth 2.85m deeper than the building to which this application relates.
- 1.30 The storage of theatre props would be a suitable use for an existing building in the Green Belt. However, the building to which this application relates is a new building and although that was also the case for units 2 and 3 the further consolidation of new buildings proposed in this application would add further harm to the openness of the Green Belt in further legitimising new built form on this site. Officers consider that more weight should be attached to the harm of granting permission for a further new building than the isolated permission for the building at units 2 and 3.

SCHEDULE ITEM 1**Fall back position**

- 1.31 The applicant states that if this application were unsuccessful, the storage of theatre props would be transferred to another unit (unit 4 - considered lawful). The domestic storage use currently of unit 4 would be displaced but could be accommodated in the modified building, namely unit 6 to which this application relates, if relocated to a site within the garden area to the bungalow.
- 1.32 The bungalow was approved under application ROC/186/71 with a curtilage extending 42.7m (140 ft) rearwards from the western front corner of the bungalow. Units 5 and 6 to which this application relates are located outside this area. The bungalow enjoys permitted development rights.
- 1.33 The building comprising units 5 and 6 can be reconstructed in the garden area north of the envelope of commercial buildings and closer to the road and adjoining bungalow subject to the height reductions described above, under existing permitted development rights if fully used for purposes incidental to the enjoyment of the bungalow and not for any commercial use. Whilst this smaller building would be lawful and would also increase built form in the garden area, it would however have a close association with the large bungalow and residential use. Officers continue to hold the view that to allow the retention of unit 5 and 6 as currently built would result in a building higher than would be allowed under permitted development rights but also in a location that would effectively extend the residential curtilage and the piecemeal urbanisation of the remainder of the site within the applicants control outside the residential use. The fall back position would consequently have greater benefit to the openness of the area if Units 5 and 6 were dismantled and reconstructed in the domestic garden to a lower height and therefore a smaller building.

Special landscape area NR1

- 1.34 The site is located within the Upper Crouch Special Landscape Area as defined in the Council's saved Local Plan (2006). This area is based upon the River Crouch and contains numerous creeks, mudflats and saltings on either shore. This area is slightly less remote than other coastal marshes and is relatively tree-less and unspoiled.
- 1.35 Saved policy NR1 states that development will not be allowed within the Special Landscape Area unless its location, size, siting, design, materials and landscaping accord with the character of the area in which the development is proposed.
- 1.36 The location comprises sporadic development generally fronting Lower Road or off access roads from Lower Road and comprising housing to plots of varying size and small farms or former farms. The Dome Caravan Park

SCHEDULE ITEM 1

also exists further east as well as boarding facilities for cats. The areas between these developments are farmed in fields of varying size but generally with hedged field margins and wooded areas particularly closer to the application site.

- 1.37 Although the River Crouch is visible from the site frontage, the site location is not strongly estuarine in character. The site has a wooded frontage and heavily wooded margin the east at odds with the notable tree-less feature of the Special Landscape Area.
- 1.38 Most of the buildings to other developments in the site locality are of either residential design, materials and character or are of an agricultural appearance of plain function and industrial proportions and clad in sheeting to both roof areas and parts or all of the walling. The proposed building features profile steel sheeting to the roof but timber feather edge cladding to the sides with few windows but roller type entrance doors. The building has a strong timber appearance arising from the featheredge boarded cladding used which although uncharacteristic in comparison to the wider choice of materials to neighbouring developments is, however, a more traditional appearance now lost in more commercial applications. Despite the issues concerning the replacement of the previous buildings and the impact upon the Metropolitan Green Belt, the development is concentrated amongst an envelope of new buildings where former buildings stood without significant harm upon the marshland characteristics of the Special Landscape Area. The proposal does not, therefore, conflict with saved Local Plan policy NR1.

CONCLUSION

- 1.39 The proposal constitutes inappropriate development. The construction of new buildings results in harm to the openness of the Green Belt by virtue of comprising the demolition and replacement of a former building contrary to the advice and policy contained at paragraph 3.2 to Planning Policy Guidance Note 2: Green Belts (1995).
- 1.40 The grant of permission for the retention of a larger building (units 2 and 3) elsewhere on the site was previously considered by the Council as acceptable on merit. However, the harm to openness by the further granting of piecemeal permissions would serve to further urbanise that part of the Green Belt in which the site is situated contrary to Green Belt policy. The potential for the building to be lowered in height and constructed under permitted development rights in the garden of the neighbouring bungalow would impact less upon the Green Belt given closer association with the dwelling and overall reduction in size and mass. No very special circumstances have, therefore, been demonstrated such as to outweigh the harm of the development by reason of inappropriateness.

SCHEDULE ITEM 1

1.41 RECOMMENDATION

It is proposed that this Committee **RESOLVES to REFUSE** the application for the following reason:-

- 1 The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. The proposal is considered to be inappropriate development as defined within Planning Policy Guidance Note 2: Green Belts (1995). Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings (other than reasonable sized extensions or replacement of existing dwellings, as defined in Policies R2, R5 and R6 of the Local Plan). The construction of a new/replacement building for commercial use adversely impacts upon the openness of the Green Belt.

If the proposal in part were allowed to be retained for the purpose of domestic storage associated with the bungalow adjoining the site and, within the applicants control, further harm to the openness of the Green Belt would result from the piecemeal expansion of residential outbuildings and extension of the residential curtilage to further urbanise that part of the Green Belt in which the site is situated.

Relevant Development Plan Policies and Proposals

Policies NR1, R2, R5, R6 and R9 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 - Standard B8.



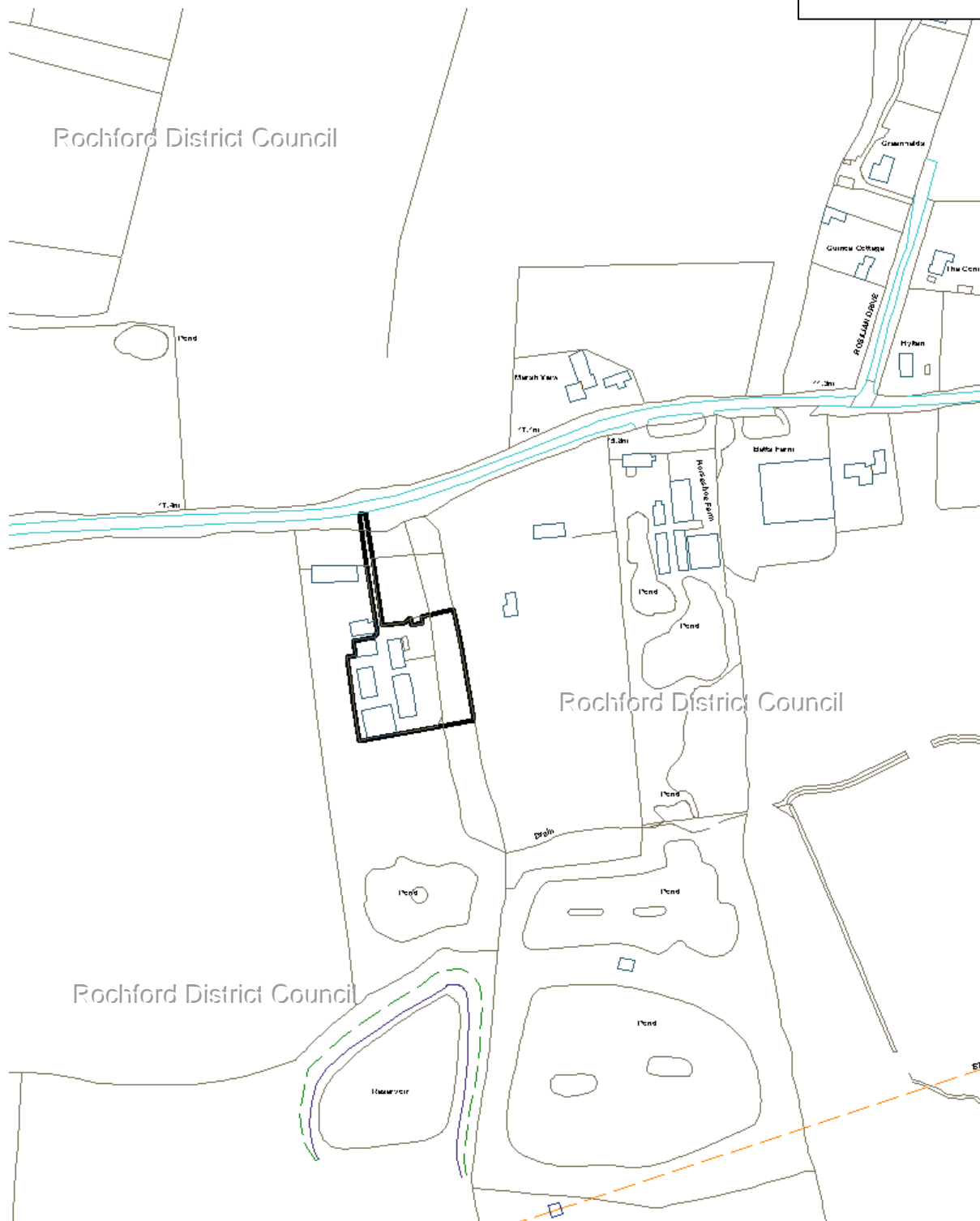
Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 1

11/00429/FUL



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

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

Rochford District Council, licence No.LA079138

NTS



SCHEDULE ITEM 2

**TITLE: 11/00430/FUL
CHANGE USE OF UNIT 1 TO CAR REPAIRS
UNIT 1 LONG ACRES, LOWER ROAD, HOCKLEY, ESSEX
SS6 5LR
UNIT 1 LONG ACRES LOWER ROAD HULLBRIDGE**

APPLICANT: MR AND MRS A ELLIOTT

**ZONING: METROPOLITAN GREEN BELT AND SPECIAL LANDSCAPE
AREA**

PARISH: HOCKLEY

WARD: HOCKLEY WEST

- 2.1 This application is brought before the Committee in accordance with protocols because the applicants are related to a member of staff working in the Planning and Transportation Department.

PLANNING APPLICATION DETAILS

- 2.2 This application is to a site on the southern side of Lower Road 470m east of the junction made with Church Road. The site generally comprises of a detached bungalow set in generous grounds opening out and extending to the rear of the site. The central part of the site features a concrete access road which bridges an open ditch that runs alongside the Lower Road frontage. A bungalow is located to the western side of the access and with an in – out drive branching off the main entrance serving the greater site. To the eastern side of the main site access is a grazing paddock and stable behind a treed frontage onto Lower Road.
- 2.3 The application site concerns the group of pitched roofed, timber clad buildings each with roller type doors and access ramps and with a concrete yard and circulation areas between them that occupy only the central and rear part of the greater site.
- 2.4 Generally, the site is understood to have been previously a pig farm and which contained a collection of outbuildings in the area of the application site. More recently the applicant purchased the site and replaced those buildings. The replacement or construction of new buildings requires planning permission and this led to enquiries by the Council's planning Enforcement officers in response to complaints.
- 2.5 Planning applications were made earlier this year for a number of the buildings on site, as set out in the history below.

SCHEDULE ITEM 2

- 2.6 The current application is one of a further group of applications which are the subject of separate reports on this schedule (see application references 11/00429/FUL, 11/00431/FUL and 11/00432/FUL).

The proposal

- 2.7 This application relates to Unit 1 which is located midway into the site on the western side adjoining the extended garden area to the bungalow.
- 2.8 Unit 1 was the subject of a recent application (10/00801/FUL) for demolition of a previous standing building and replacement of it with a new building. That application was withdrawn following further investigation between the applicant and officers concluding that the building has lawfully existed for a period of more than four years although new construction is now lawful.
- 2.9 The building has an overall width of 8.65m and depth of 16.25m. The building has a height of 4.7m to ridge and 2.8m to eaves.
- 2.10 The proposal is to regularise the use of unit 1 for car repairs.

RELEVANT PLANNING HISTORY

Application No. ROC/479/60
Outline application for residential development.
Permission refused.

Application No. ROC/753/64
Erect one dwelling.
Permission refused.

Application No. ROC/310/67
Erect six pig buildings, vehicular access, access road and cesspool.
Permission granted 15th August 1967.

Application No. ROC/186/71
Site a dwelling.
Permission granted 11th April 1972.

Application No. ROC/190/72
Site a residential caravan during building operations.
Permission granted 6th June 1974.

Application No. ROC/1105/75
Residential caravan.
Permission refused 3rd February 1976.

SCHEDULE ITEM 2

Application No. ROC/541/79
Erection of a farm shop.
Appeal dismissed 11th September 1980.

Application No. ROC/229/84
Single storey building use as a farm shop.
Permission refused 22nd June 1984.

Application No. ROC/254/85
Erect single storey building as use as a shop.
Permission granted 23rd October 1985.

Application No. 02/00874/LDC
Application for a certificate of lawfulness for use of existing dwelling without compliance with condition 4 to permission ROC/186/71 (Agricultural occupancy condition).
Certificate granted 5th October 2002.

Application No. 10/00801/FUL
Replacement of Unit 1 on a Like-for-Like Basis For Continued Use for the Storage and Repair of Motor Vehicles.
Application withdrawn.

Application No. 10/00802/FUL
Replacement of Units 2 and 3 on a Like-for-Like Basis for Continued Use for the Repair and Painting of Motor Vehicles.
Permission granted 1st March 2011.

Application No. 10/00803/FUL
Replacement of Unit 4 on a Like-for-Like Basis for Continued Use for Ancillary Domestic Purposes.
Application withdrawn.

Application No. 10/00804/FUL
Replacement of Units 5 and 6 on a Like-for-Like Basis for Continued use for Ancillary Domestic Purposes (Unit 5) and Storage of Theatre Props (Unit 6)
Permission refused 4th March 2011 for the following reason;

- (1) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt and the proposal to construct a new building for domestic workshop and storage and commercial storage of Theatre props is considered to be inappropriate development as defined within Planning Policy Guidance Note 2:

SCHEDULE ITEM 2

Green Belts (1995). Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings (other than reasonable sized extensions or replacement of existing dwellings, as defined in Policies R2, R5 and R6 of the Local Plan). The construction of a substantial new building for domestic and commercial together with reliance open areas to the east of the envelope of buildings to provide commercial parking to serve unit 6 adversely impacts upon the openness of the Green Belt. Furthermore, if the proposal were allowed to be retained for the purpose of domestic storage associated with the bungalow adjoining the site and within the applicants control, further harm to the openness of the Green Belt would result from the piecemeal expansion of residential outbuildings and extension of the residential curtilage to further urbanise that part of the Green Belt in which the site is situated.

CONSULTATIONS AND REPRESENTATIONS

2.11 **Essex County Council Highways:** Comment received.

2.12 No objection to raise subject to the following condition;

- (1) Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority and such space shall be maintained thereafter free of any impediment to its designated use.
REASON: To ensure that vehicles can enter and leave the highway in forward gear in the interests of highway safety.

2.13 **Environment Agency:** Comment received.

Make the following advisory comments (summarised);

- (1) Advise that in order to protect the water environment from pollution oil contamination from parking and hardstanding areas, drainage water should be passed through oil separators.
- (2) Roof water should not pass through the interceptors.
- (3) All wash down and disinfectant waters shall be discharged to the foul sewer. Detergents entering oil separators may render them ineffective.
- (4) No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water draining system.
Recommend a kerb surround to all cleaning and washing areas.

SCHEDULE ITEM 2**MATERIAL PLANNING CONSIDERATIONS****Green Belt**

- 2.14 The site is located within the Metropolitan Green Belt as identified in the Council's saved local plan (2006).
- 2.15 Planning Policy Guidance 2: Green Belts (1995) advise that with suitable safe-guards, the re-use of buildings should not prejudice the openness of the Green Belt since the building is already there. Strict control should, however, be exercised over the re-use of buildings and any associated uses of adjoining land such as external storage, extensive hard standing or car parking which might conflict with the openness of the Green Belt and the purpose of including land within it.
- 2.16 The building to which this application relates is finished in timber with metal roof sheeting and is one of a group of seven or so similar buildings of the same design constructed by the applicant since acquiring the site around 2003.
- 2.17 The overall design and form is comparable in size to those adjoining buildings in accord with part (i) to Policy R9 to the Council's saved local plan (2006).
- 2.18 The building is of sound construction and in use for the manner proposed without further need for reconstruction. The proposal involves no major extensions to the envelope of buildings or extensions to the building itself. The proposal, therefore, meets the requirements of parts (ii) (iii) and (iv) to Policy R9 to the Council's saved local plan (2006).
- 2.19 Use has existed in excess of four years. The applicant describes having tidied the site by replacing the former buildings and clearing up various items stored in the open areas of the site. Subject to a condition to the grant of permission which restricts open storage associated with the use now proposed. The proposal would comply with part (v) to Policy R9 to the Council's saved Local Plan (2006).
- 2.20 The applicant explains that the majority of vehicles are brought to the site on small flat bed vehicles, alternatively, they are driven. The applicant states that the use associated with Unit 1 would not involve traditional large car transporters or involve working on Saturdays, Sundays or Bank Holidays.
- 2.21 Officers are aware from enforcement enquires relating to the site of the use of smaller car transporter and recovery type vehicles that have visited the site from time to time but cannot confirm the use of larger lorry type multiple transporters.

SCHEDULE ITEM 2

- 2.22 The use of the building for commercial use is generally encouraged in policy terms. However, in granting permission for the use of units 2 and 3 for the repair and painting of motor vehicles, Members restricted the use to that proposed by way of a condition applied to the planning consent. Despite the applicants specialised way of working (generally low key and concentrating on high quality repairs and restorations) it would be unreasonable to condition, personally or otherwise, the details of working arrangements without good reason such as the effect upon amenity or inadequacy of site access and manoeuvring. The use, if unrestricted, would generally allow for other business type uses in Use Class B2 and although the applicant runs a number of businesses on the site alongside his home, and so ensures there would be limited disturbance, this may not always be the case. The submissions for other applications on the site describe circumstances where the previous applicant is considered to have lost such control. The Council were not, however, made aware of noise or complaints with regard to the intensity of activities from various commercial uses on the site prior to the applicant moving in 2003. Such restrictive conditions would therefore be without reasonable justification. The proposal, therefore, satisfies the requirements of part (vi) to Policy R9 to the Council's saved Local Plan.

Special Landscape Area

- 2.23 The site is located within the Upper Crouch Special Landscape Area as defined in the Council's saved Local Plan (2006). This area is based upon the River Crouch and contains numerous creeks, mudflats and saltings on either shore. This area is slightly less remote than other coastal marshes and it relatively treeless and unspoiled.
- 2.24 Saved policy NR1 states that development will not be allowed within the Special Landscape Area unless its location, size, siting, design, materials and landscaping accord with the character of the area in which the development is proposed.
- 2.25 The location comprises of sporadic development generally fronting Lower Road or off access roads from Lower Road and comprising housing to plots of varying size and small farms or former farms. The Dome Caravan Park also exists further to the east as well as boarding facilities for cats. The areas between these developments are farmed in fields of varying size but generally with hedged field margins and wooded areas particularly closer to the application site.
- 2.26 Although the River Crouch is visible from the site frontage, the site location is not strongly estuarine in character. The site has a wooded frontage and heavily wooded margin to the east at odds with the notable treeless feature of the Special Landscape Area.

SCHEDULE ITEM 2

- 2.27 As the building lawfully exists, the re-use of it would have no further detrimental effect upon the landscape character provided that the use would not result in further impact such as open storage. Subject to suitable conditions to the grant of permission to prevent further open storage, the proposal would not adversely impact upon the Special Landscape Area. The proposal does not, therefore, conflict with saved Local Plan Policy NR1.

Parking and Highway issues

- 2.28 Unit 1 has a floor area of 132 square metres. The Council's adopted parking standard requires a maximum of 3 off street car parking spaces for the development, however, a lower provision can be accepted where there is good access to alternative forms of transport and existing parking facilities.
- 2.29 The building is located within a group of buildings separated by internal circulation areas which are generally clear and well managed. The isolation between buildings is between 3 – 4m to the building sides and 4.5m – 8.8m at the building ends. The applicant claims that two parking spaces are available to serve this unit but no layout for the provision of parking is shown. Officers are concerned that casual parking within these circulation areas would cause operational difficulties particularly where the buildings are used by different occupiers and for different uses. However, an area of the application site to the east of the group of buildings has been laid out with a surface of chippings and which can be used for parking and does appear already used as such. The County Council has no objection to raise at the suitability of the access or sustainability of the traffic movements upon the road network but does require the submission of a parking layout to satisfy this concern. Whilst the use of this open area to the east of the group of buildings has impact upon the openness of the green belt, the use of this area for parking would satisfy the need for off street parking and can be a condition to the grant of planning permission.

CONCLUSION

- 2.30 The building to which this application relates is located within the Metropolitan Green Belt. Although of recent construction; the building has existed for more than four years and is now lawful. That being the case, the re-use of the building for commercial use is generally permissible with suitable safeguards.

RECOMMENDATION

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

SCHEDULE ITEM 2

- 1 SC4B – Time limits standard.
- 2 No good(s), articles, product(s) or other material(s), together with any plant, machinery or equipment, whether or not requisite for the use of the site hereby permitted, shall at any time be stored or otherwise deposited in the open areas of the site outside the building hereby approved.
- 3 Within 3 calendar months of the date of this permission, the applicant shall submit details for the provision of three off street car parking spaces to be provided on the site to serve the development hereby approved. The car parking provision shall be implemented in accordance with such details as may be agreed by the Local Planning Authority within a period of three months from the date of the finally agreed matter of parking detail or such other time as may be agreed with the Local Planning Authority. Such parking spaces shall be retained for the parking of staff and visitor vehicles associated with the use of unit 1 and for no other purpose.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

Policies NR1, R9 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Guidance

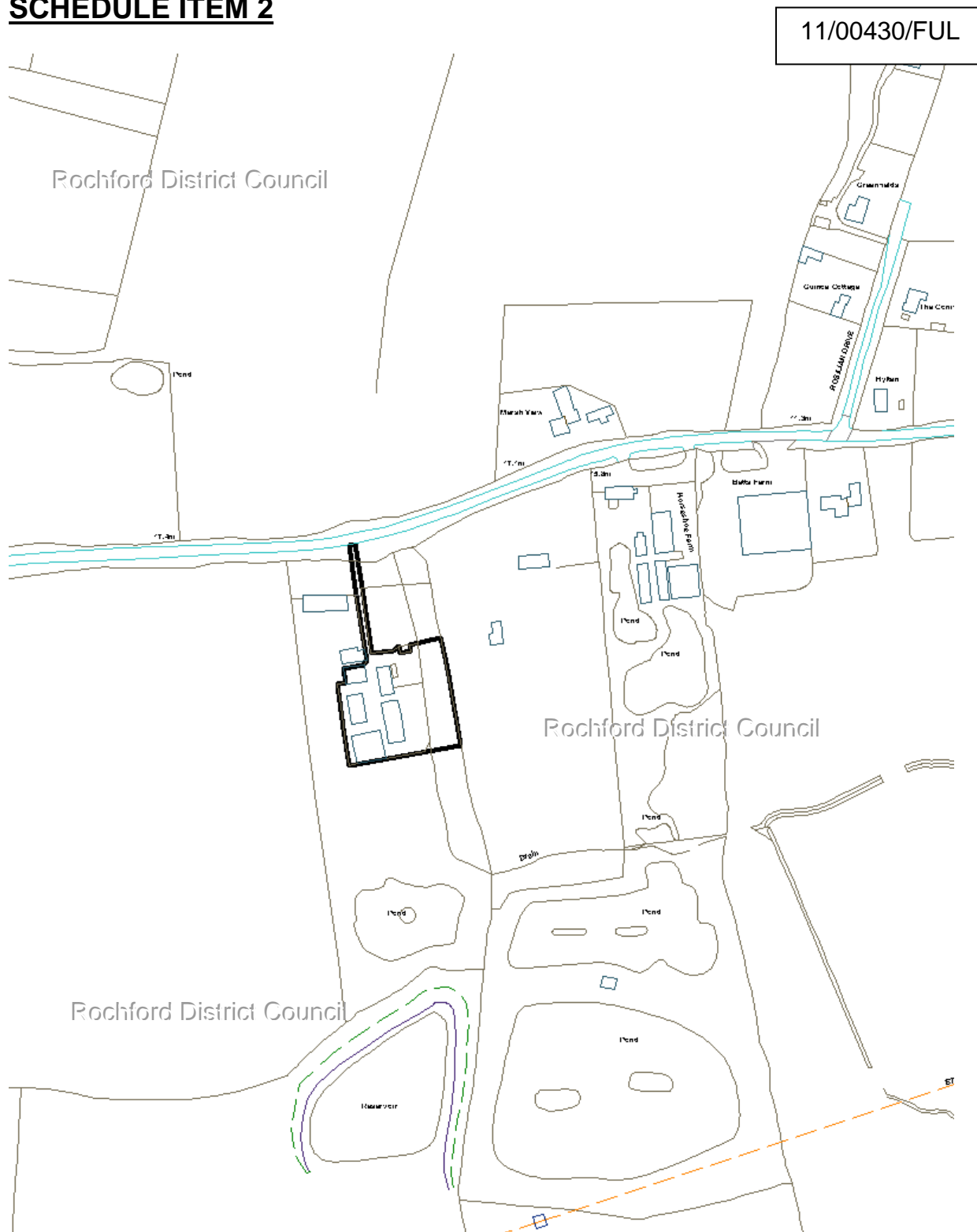
Parking Standards - Design and Good Practice Supplementary Planning Document (adopted December 2010) - Standard B2.



Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 2

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

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

Rochford District Council, licence No.LA079138

NTS



SCHEDULE ITEM 3

**TITLE: 11/00431/FUL
CHANGE USE OF UNIT 4 TO DOMESTIC STORE AND
ANCILLARY WORKSHOP ANCILLARY TO THE MAIN
DWELLING HOUSE AT LONG ACRE
UNIT 4 LONG ACRES, LOWER ROAD, HOCKLEY**

APPLICANT: MR AND MRS A ELLIOTT

**ZONING: METROPOLITAN GREEN BELT AND SPECIAL LANDSCAPE
AREA**

PARISH: HOCKLEY

WARD: HOCKLEY WEST

- 3.1 This application is brought before the Committee in accordance with protocols because the applicants are related to a member of staff working in the Planning and Transportation Department.

PLANNING APPLICATION DETAILS

- 3.2 This application is to a site on the southern side of Lower Road 470m east of the junction made with Church Road. The site generally comprises a detached bungalow set in generous grounds opening out and extending to the rear of the site. The central part of the site features a concrete access road which bridges an open ditch that runs alongside the Lower Road frontage. A bungalow is located to the western side of the access and with an in – out drive branching off the main entrance serving the greater site. To the eastern side of the main site access is a grazing paddock and stable behind a treed frontage onto Lower Road.
- 3.3 The application site concerns the group of pitched roofed, timber clad buildings each with roller type doors and access ramps and with a concrete yard and circulation areas between them that occupy only the central and rear part of the greater site.
- 3.4 Generally, the site is understood to have previously been a pig farm and which contained a collection of outbuildings in the area of the application site. More recently the applicant purchased the site and replaced those buildings. The replacement or construction of new buildings requires planning permission and this led to enquiries by the Council's Planning Enforcement officers in response to complaints.
- 3.5 Planning applications were made earlier this year for a number of the buildings on site, as set out in the following history.

SCHEDULE ITEM 3

- 3.6 The current application is one of a further group of applications which are the subject of separate reports on this schedule (see 11/00429/FUL, 11/00430/FUL and 11/00432/FUL).

The proposal

- 3.7 This application relates to Unit 4 which is located in the middle of the site and within the envelope of existing buildings.
- 3.8 Unit 4 was the subject of an earlier application (10/00803/FUL) for the demolition of the previous standing building and replacement of it with a new building. That application was withdrawn following further investigation between the applicant and officers concluding that the building has lawfully existed for a period of more than four years although new construction is now lawful.
- 3.9 The building has an overall width of 6.2m and depth of 14.8m. The building has a height of 4.25m to ridge and 2.6m to eaves.
- 3.10 The proposal is to regularise the use of unit 4 as a domestic store and workshop in conjunction with the occupation of Long Acres.

RELEVANT PLANNING HISTORY

Application No. ROC/479/60
Outline application for residential development.
Permission refused.

Application No. ROC/753/64
Erect one dwelling.
Permission refused.

Application No. ROC/310/67
Erect six pig buildings, vehicular access, access road and cesspool.
Permission granted 15th August 1967.

Application No. ROC/186/71
Site a dwelling.
Permission granted 11th April 1972.

Application No. ROC/190/72
Site a residential caravan during building operations.
Permission granted 6th June 1974.

SCHEDULE ITEM 3

Application No. ROC/1105/75
Residential caravan.
Permission refused 3rd February 1976.

Application No. ROC/541/79
Erection of a farm shop.
Appeal dismissed 11th September 1980.

Application No. ROC/229/84
Single storey building use as a farm shop.
Permission refused 22nd June 1984.

Application No. ROC/254/85
Erect single storey building as use as a shop.
Permission granted 23rd October 1985.

Application No. 02/00874/LDC
Application for a certificate of lawfulness for use of existing dwelling without compliance with condition 4 to permission ROC/186/71 (Agricultural occupancy condition).
Certificate granted 5th October 2002.

Application No. 10/00801/FUL
Replacement of Unit 1 on a Like-for-Like Basis For Continued Use for the Storage and Repair of Motor Vehicles.
Application withdrawn.

Application No. 10/00802/FUL
Replacement of Units 2 and 3 on a Like-for-Like Basis for Continued Use for the Repair and Painting of Motor Vehicles.
Permission granted 1st March 2011.

Application No. 10/00803/FUL
Replacement of Unit 4 on a Like-for-Like Basis for Continued Use for Ancillary Domestic Purposes.
Application withdrawn.

Application No. 10/00804/FUL
Replacement of Units 5 and 6 on a Like-for-Like Basis for Continued use for Ancillary Domestic Purposes (Unit 5) and Storage of Theatre Props (Unit 6).
Permission refused 4th March 2011 for the following reason;

The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt and the proposal to construct a new building for domestic workshop and storage and commercial storage of Theatre props is considered to be inappropriate development as defined within Planning Policy Guidance Note 2:

SCHEDULE ITEM 3

Green Belts (1995). Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings (other than reasonable sized extensions or replacement of existing dwellings, as defined in Policies R2, R5 and R6 of the Local Plan). The construction of a substantial new building for domestic and commercial together with reliance open areas to the east of the envelope of buildings to provide commercial parking to serve unit 6 adversely impacts upon the openness of the Green Belt. Furthermore, if the proposal were allowed to be retained for the purpose of domestic storage associated with the bungalow adjoining the site and within the applicants control, further harm to the openness of the Green Belt would result from the piecemeal expansion of residential outbuildings and extension of the residential curtilage to further urbanise that part of the Green Belt in which the site is situated.

CONSULTATIONS AND REPRESENTATIONS

3.11 **Essex County Council Highways:** Comment received.

3.12 No objection to raise subject to the following condition;

- (1) Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority and such space shall be maintained thereafter free of any impediment to its designated use.
REASON: To ensure that vehicles can enter and leave the highway in forward gear in the interests of highway safety.

3.13 **Environment Agency:** Comment received.

Make the following advisory comments (summarised);

- (1) Advise that, in order to protect the water environment from pollution oil contamination from parking and hardstanding areas, drainage water should be passed through oil separators.
- (2) Roof water should not pass through the interceptors.
- (3) All wash down and disinfectant waters shall be discharged to the foul sewer. Detergents entering oil separators may render them ineffective.
- (4) No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water draining system.
Recommend a kerb surround to all cleaning and washing areas.

SCHEDULE ITEM 3**MATERIAL PLANNING CONSIDERATIONS****Green Belt**

- 3.14 The site is located within the Metropolitan Green Belt as identified in the Council's saved local plan (2006).
- 3.15 Planning Policy Guidance 2: Green Belts (1995) advise that with suitable safe-guards, the re-use of buildings should not prejudice the openness of the Green Belt since the building is already there. Strict control should, however, be exercised over the re-use of buildings and any associated uses of adjoining land such as external storage, extensive hard standing or car parking which might conflict with the openness of the Green Belt and the purpose of including land within it.
- 3.16 The building to which this application relates is finished in timber with metal roof sheeting and is one of a group of seven or so similar buildings of the same design constructed by the applicant since acquiring the site around 2003.
- 3.17 The overall design and form is comparable in size to those adjoining buildings in accord with part (i) to Policy R9 to the Council's saved Local Plan (2006).
- 3.18 The building is of sound construction and in use for the manner proposed without further need for reconstruction. The proposal involves no major extensions to the envelope of buildings or extensions to the building itself. The proposal, therefore, meets the requirements of parts (ii) (iii) and (iv) to Policy R9 to the Council's saved Local Plan (2006).
- 3.19 Use has existed for in excess of four years. The applicant describes having tidied the site by replacing the former buildings and clearing up various items stored in the open areas of the site. Subject to a condition to the grant of permission restricting open storage associated with the use now proposed, the proposal would comply with part (v) to Policy R9 to the Council's saved Local Plan (2006).
- 3.20 The re-use of existing buildings in the Green Belt is generally acceptable, however, at issue in this case is the domestic use of the building in association with the adjoining dwelling. The applicants argue that as the building is lawful, it would be preferable to make use of this lawful structure within the existing envelope of buildings rather than provide an alternative under permitted development rights within the garden of the neighbouring bungalow further decreasing openness in the area. However, it should also be born in mind that the existence of permitted development rights would enable the provision of ancillary domestic buildings in any case.

SCHEDULE ITEM 3

- 3.21 On the basis that the building is contained within the envelope of existing buildings and also convenient to the neighbouring bungalow, the re-use of the building for domestic storage and ancillary workshop for the existing bungalow is considered acceptable in the Green Belt.

Special Landscape Area

- 3.22 The site is located within the Upper Crouch Special Landscape Area as defined in the Council's saved Local Plan (2006). This area is based upon the River Crouch and contains numerous creeks, mudflats and saltings on either shore. This area is slightly less remote than other coastal marshes and it relatively treeless and unspoiled.
- 3.23 Saved policy NR1 states that development will not be allowed within the Special Landscape Area unless its location, size, siting, design, materials and landscaping accord with the character of the area in which the development is proposed.
- 3.24 The location comprises sporadic development generally fronting Lower Road or off access roads from Lower Road and comprising housing to plots of varying size and small farms or former farms. The Dome Caravan Park also exists further to the east as well as boarding facilities for cats. The areas between these developments are farmed in fields of varying size but generally with hedged field margins and wooded areas particularly closer to the application site.
- 3.25 Although the River Crouch is visible from the site frontage, the site location is not strongly estuarine in character. The site has a wooded frontage and heavily wooded margin the east at odds with the notable treeless feature of the Special Landscape Area.
- 3.26 As the building lawfully exists, the re-use of it would have no further detrimental effect upon the landscape character provided that the use would not result in further impact such as open storage. Subject to suitable conditions to the grant of permission to prevent further open storage, the proposal would not adversely impact upon the Special Landscape Area. The proposal does not, therefore, conflict with saved Local Plan Policy NR1.

Parking and highway issues

- 3.27 Unit 4 has a floor area of 84 square metres. The use ancillary to the existing dwelling would not require additional parking provision because that is already provided to the neighbouring bungalow.

SCHEDULE ITEM 3**CONCLUSION**

- 3.28 The building to which this application relates is located within the Metropolitan Green Belt. Although of recent construction the building has existed for more than four years and is now lawful. The re-use of the building for domestic storage and workshop ancillary to the main dwelling is generally permissible with suitable safeguards.

RECOMMENDATION

- 3.29 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following conditions;
- 1 SC4B – Time limits standard.
 - 2 No good(s), articles, product(s) or other material(s), together with any plant, machinery or equipment, whether or not requisite for the use of the site hereby permitted, shall at any time be stored or otherwise deposited in the open areas of the site outside the building hereby approved.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

Policies NR1, R9. Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Guidance

Parking Standards - Design and Good Practice Supplementary Planning Document (adopted December 2010) - Standard C3.



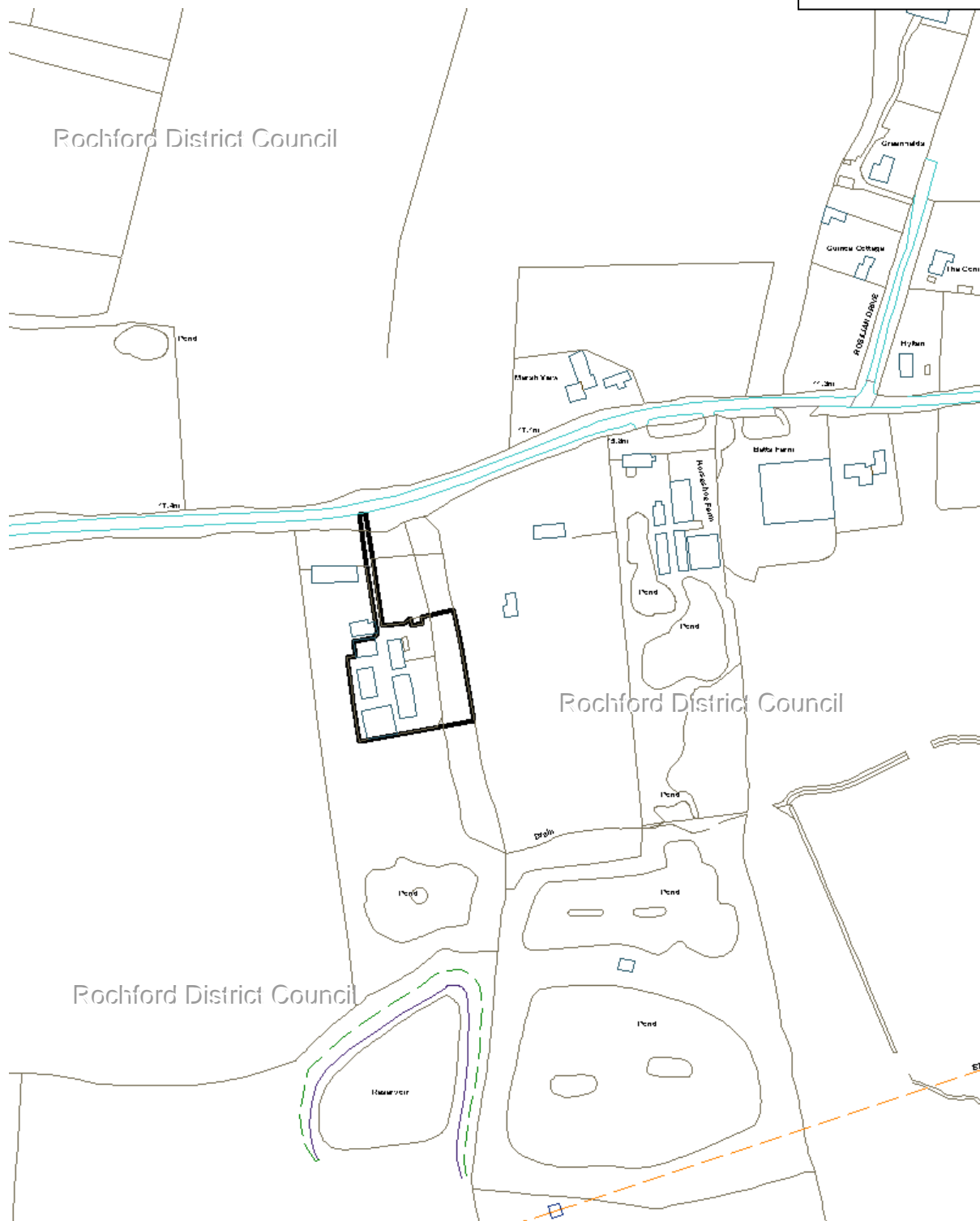
Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 3

11/00431/COU



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

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

Rochford District Council, licence No.LA079138

NTS



SCHEDULE ITEM 4

TITLE: 11/00432/FUL
CHANGE USE OF UNITS 7, 8 AND 9 TO CAR STORAGE
UNITS 7, 8 AND 9 LONG ACRES, LOWER ROAD, HOCKLEY,
ESSEX SS6 5LR

APPLICANT: MR AND MRS A ELLIOTT

ZONING: METROPOLITAN GREEN BELT AND SPECIAL LANDSCAPE
AREA

PARISH: HOCKLEY

WARD: HOCKLEY WEST

- 4.1 This application is brought before the Committee in accordance with protocols because the applicants are related to a member of staff working in the Planning and Transportation Department.

PLANNING APPLICATION DETAILS

- 4.2 This application is to a site on the southern side of Lower Road 470m east of the junction made with Church Road. The site generally comprises a detached bungalow set in generous grounds opening out and extending to the rear of the site. The central part of the site features a concrete access road which bridges an open ditch that runs alongside the Lower Road frontage. A bungalow is located to the western side of the access and with an in – out drive branching off the main entrance serving the greater site. To the eastern side of the main site access is a grazing paddock and stable behind a treed frontage onto Lower Road.
- 4.3 The application site concerns the group of pitched roofed, timber clad buildings each with roller type doors and access ramps and with a concrete yard and circulation areas between them that occupy only the central and rear part of the greater site.
- 4.4 Generally, the site is understood to have been previously a pig farm and which contained a collection of outbuildings in the area of the application site. More recently the applicant purchased the site and replaced those buildings. The replacement or construction of new buildings requires planning permission and this led to enquiries by the Council's Planning Enforcement officers in response to complaints.
- 4.5 A group of previous applications were made for a number of the buildings considered earlier this year and set out in the history below. This current application relates to units not previously included in earlier submissions.

SCHEDULE ITEM 4

- 4.6 The current application is one of a further group of applications which are the subject of separate reports on this schedule (see application references 11/00429/FUL, 11/00430/FUL and 11/00431/FUL).

The proposal

- 4.7 This application relates to Units 7, 8 and 9 which are located to the south-eastern middle part of the site. The building is timber clad with metal sheeting roof and although relatively recent in construction has lawfully existed for more than four years.
- 4.8 The proposal is to regularise the use of Units 7, 8 and 9 for the storage of cars. The building is divided into three units each with roller type access doors. The layout shows the retention of a hardstanding area giving access to each unit and the provision of further outside parking immediately adjacent the building for six car parking spaces.

RELEVANT PLANNING HISTORY

Application No. ROC/479/60
Outline application for residential development.
Permission refused.

Application No. ROC/753/64
Erect one dwelling.
Permission refused.

Application No. ROC/310/67
Erect six pig buildings, vehicular access, access road and cesspool.
Permission granted 15th August 1967.

Application No. ROC/186/71
Site a dwelling.
Permission granted 11th April 1972.

Application No. ROC/190/72
Site a residential caravan during building operations.
Permission granted 6th June 1974.

Application No. ROC/1105/75
Residential caravan.
Permission refused 3rd February 1976.

Application No. ROC/541/79
Erection of a farm shop.
Appeal dismissed 11th September 1980.

SCHEDULE ITEM 4

Application No. ROC/229/84
Single storey building use as a farm shop.
Permission refused 22nd June 1984.

Application No. ROC/254/85
Erect single storey building as use as a shop.
Permission granted 23rd October 1985.

Application No. 02/00874/LDC
Application for a certificate of lawfulness for use of existing dwelling without compliance with condition 4 to permission ROC/186/71 (Agricultural occupancy condition).
Certificate granted 5th October 2002.

Application No. 10/00801/FUL
Replacement of Unit 1 on a Like-for-Like Basis For Continued Use for the Storage and Repair of Motor Vehicles.
Application withdrawn.

Application No. 10/00802/FUL
Replacement of Units 2 and 3 on a Like-for-Like Basis for Continued Use for the Repair and Painting of Motor Vehicles.
Permission granted 1st March 2011.

Application No. 10/00803/FUL
Replacement of Unit 4 on a Like-for-Like Basis for Continued Use for Ancillary Domestic Purposes.
Application withdrawn.

Application No. 10/00804/FUL
Replacement of Units 5 and 6 on a Like-for-Like Basis for Continued use for Ancillary Domestic Purposes (Unit 5) and Storage of Theatre Props (Unit 6).
Permission refused 4th March 2011 for the following reason;

- (1) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt and the proposal to construct a new building for domestic workshop and storage and commercial storage of Theatre props is considered to be inappropriate development as defined within Planning Policy Guidance Note 2:

Green Belts (1995). Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings (other than reasonable sized extensions or replacement of existing dwellings, as defined in Policies R2, R5 and R6 of the Local Plan). The construction of a substantial new building for domestic and commercial together with reliance open areas to the east of the envelope of buildings to

SCHEDULE ITEM 4

provide commercial parking to serve unit 6 adversely impacts upon the openness of the Green Belt. Furthermore, if the proposal were allowed to be retained for the purpose of domestic storage associated with the bungalow adjoining the site and within the applicants control, further harm to the openness of the Green Belt would result from the piecemeal expansion of residential outbuildings and extension of the residential curtilage to further urbanise that part of the Green Belt in which the site is situated.

CONSULTATIONS AND REPRESENTATIONS

- 4.9 **Essex County Council Highways:** Comment received.
- 4.10 No objection to raise subject to the following condition;
- (1) Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the local planning authority and such space shall be maintained thereafter free of any impediment to its designated use.
REASON: To ensure that vehicles can enter and leave the highway in forward gear in the interests of highway safety.
- 4.11 **Environment Agency:** Comment received.
- 4.12 Make the following advisory comments (summarised);
- (1) Advise that in order to protect the water environment from pollution oil contamination from parking and hardstanding areas, drainage water should be passed through oil separators.
- (2) Roof water should not pass through the interceptors.
- (3) All wash down and disinfectant waters shall be discharged to the foul sewer. Detergents entering oil separators may render them ineffective.
- (4) No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water draining system.
Recommend a kerb surround to all cleaning and washing areas.

MATERIAL PLANNING CONSIDERATIONS

Green Belt

- 4.13 The site is located within the Metropolitan Green Belt as identified in the Council's saved local plan (2006).

SCHEDULE ITEM 4

- 4.14 Planning Policy Guidance 2: Green Belts (1995) advise that with suitable safe-guards, the re-use of buildings should not prejudice the openness of the Green Belt since the building is already there. Strict control should, however, be exercised over the re-use of buildings and any associated uses of adjoining land such as external storage, extensive hard standing or car parking which might conflict with the openness of the Green Belt and the purpose of including land within it.
- 4.15 The building to which this application relates is finished in timber with metal roof sheeting and is one of a group of seven or so similar buildings of the same design constructed by the applicant since acquiring the site around 2003.
- 4.16 The overall design and form is comparable in size to those adjoining buildings in accord with part (i) to Policy R9 to the Council's saved Local Plan (2006).
- 4.17 The building is of sound construction and in use for the manner proposed without further need for reconstruction. The proposal involves no major extensions to the envelope of buildings or extensions to the building itself. The proposal therefore meets the requirements of parts (ii) (iii) and (iv) to Policy R9 to the Council's saved Local Plan (2006).
- 4.18 Use has existed for in excess of four years. The applicant describes having tidied the site by replacing the former buildings and clearing up various items stored in the open areas of the site. Subject to a condition to the grant of permission restricting open storage associated with the use now proposed, the proposal would comply with part (v) to Policy R9 to the Council's saved Local Plan (2006).
- 4.19 The use of the building for commercial storage is generally encouraged in policy terms.
- 4.20 However, in granting permission for the use of Units 2 and 3 for the repair and painting of motor vehicles Members restricted the use to that proposed by way of a condition applied to the planning consent. Despite the applicants specialised way of working low (generally key and concentrating on high quality repairs and restorations), it would be unreasonable to condition, personally or otherwise, the details of working arrangements without good reason such as the effect upon amenity or inadequacy of site access and manoeuvring. The use if unrestricted would generally allow for other storage type uses in Use Class B8 and although the applicant runs a number of businesses on the site alongside his home and so ensures there would be limited disturbance, this may not always be the case. The submissions for other applications on the site describe circumstances where the previous applicant is considered to have lost such control. The Council were not, however, made aware of noise or complaints regarding the

SCHEDULE ITEM 4

intensity of activities from various commercial uses on the site prior to the applicant moving in 2003. Such restrictive condition would, therefore, be without reasonable justification. The proposal, therefore, satisfies the requirements of part (vi) to Policy R9 to the Council's saved Local Plan.

- 4.21 The application does show the provision of a hardstanding area surfaced in road planings immediately to the east of the building to which this application relates and which gives access to each unit and six parking spaces. This area is not lawful but would be reasonably required in order to give access and parking to the three units in the building. This area is also contained by the outer service track also constructed of road planings. This area would over provide for parking but is of a size necessary to give access to each building and would be contained by the envelope of buildings. Provided the use of this area would not be for general open storage, this part of the site can be retained to provide car parking and access for the units. This can be the subject of a condition to the grant of permission.

Special Landscape Area

- 4.22 The site is located within the Upper Crouch Special Landscape Area as defined in the Council's saved Local Plan (2006). This area is based upon the River Crouch and contains numerous creeks, mudflats and saltings on either shore. This area is slightly less remote than other coastal marshes and is relatively treeless and unspoiled.
- 4.23 Saved Policy NR1 states that development will not be allowed within the Special Landscape Area unless its location, size, siting, design, materials and landscaping accord with the character of the area in which the development is proposed.
- 4.24 The location comprises sporadic development generally fronting Lower Road or off access roads from Lower Road and comprising housing to plots of varying size and small farms or former farms. The Dome Caravan Park also exists further to the east as well as boarding facilities for cats. The areas between these developments are farmed in fields of varying size but generally with hedged field margins and wooded areas particularly closer to the application site.
- 4.25 Although the River Crouch is visible from the site frontage, the site location is not strongly estuarine in character. The site has a wooded frontage and heavily wooded margin in the east at odds with the notable treeless feature of the Special Landscape Area.
- 4.26 As the building lawfully exists, the re-use of it would have no further detrimental effect upon the landscape character provided that the use would not result in further impact such as open storage. Subject to suitable conditions to the grant of permission to prevent further open storage, the

SCHEDULE ITEM 4

proposal would not adversely impact upon the Special Landscape Area. The proposal does not, therefore, conflict with saved Local Plan Policy NR1.

Parking and highway issues

- 4.27 Although identified as three units the single building comprising Units 7, 8 and 9 has a floor area of 214 square metres. The division of the building into three units would require the provision of a car parking space for each unit to accord with the Council's adopted parking standard. Lower provision can be accepted where there is good access to alternative forms of transport and existing parking facilities.
- 4.28 The building is located within a group of buildings separated by internal circulation areas which are generally clear and well managed. The isolation between buildings is between 3 – 4m to the building sides and 4.5m – 8.8m at the building ends. Officers are concerned that casual parking within these circulation areas would cause operational difficulties, particularly where the buildings are used by different occupiers and for different uses.
- 4.29 However, an area of the application site to the east of the group of buildings has been laid out with a surface of chippings and which can be used for parking and does appear already used as such. Although slightly in excess for the number of car parking spaces required, the need for access to each unit would logically allow for that part of the surface area to be retained distinct from the remainder of the land similarly surfaced to the east. This area would be contained to the open areas to the north and west by the envelope of buildings and hedgerow on the boundary of the site to the east. The hardstanding would be exposed to views from the south but across the intervening land landscaped by the applicant. On balance the retention of this part of the hardstanding area shown shaded by the applicant is necessary to allow the use of the building to function.
- 4.30 The County Council has no objection to raise at the suitability of the access or sustainability of the traffic movements upon the road network but does require the submission of a parking layout to satisfy this concern. Whilst the use of this open area to the east of the group of buildings has limited impact upon the openness of the green belt, the use of this area for parking would satisfy the need for off street parking and can be a condition to the grant of planning permission.

CONCLUSION

- 4.31 The building to which this application relates is located within the Metropolitan Green Belt. Although of recent construction the building has existed for more than four years and is now lawful. The re-use of the building for commercial use is generally permissible with suitable safeguards.

RECOMMENDATION

4.32 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following conditions;

- 1 SC4B – Time limits standard.
- 2 No good(s), articles, product(s) or other material(s), together with any plant, machinery or equipment, whether or not requisite for the use of the site hereby permitted, shall at any time be stored or otherwise deposited in the open areas of the site outside the building hereby approved.
- 3 The hard standing area and car parking layout shown shaded on the approved plan Drg. No. 10.1489/03 and date stamped 12th July 2011 shall be retained for the access to the units and the parking of staff and visiting customer vehicles only.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

Policies NR1, R9 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Guidance

Parking Standards - Design and Good Practice Supplementary Planning Document (adopted December 2010) - Standard B8.



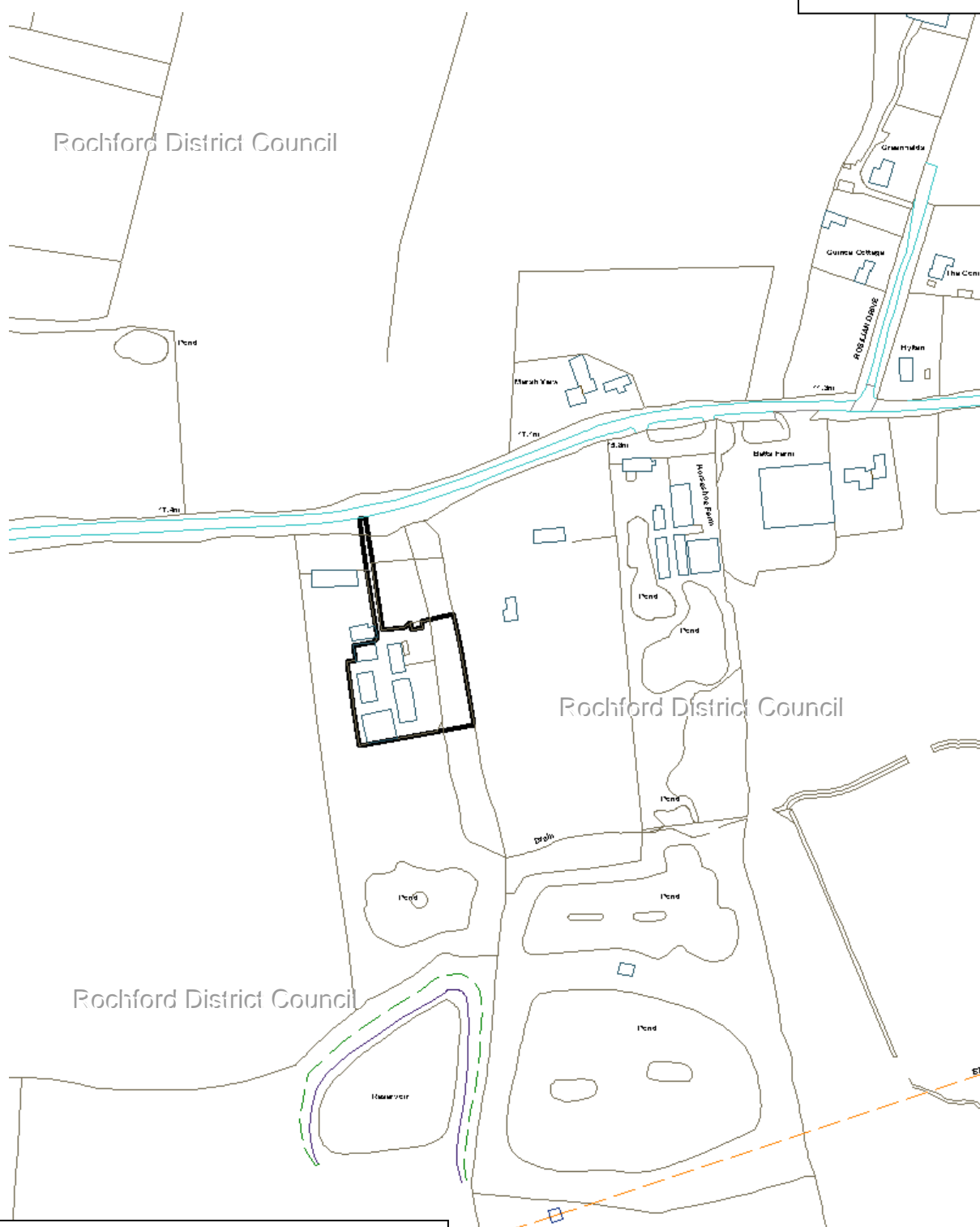
Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 4

11/00432/FUL



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

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

Rochford District Council, licence No.LA079138

NTS



SCHEDULE ITEM 5**CONSULTATION ON APPLICATION NUMBER 11/00538/EXTM**

**TITLE: 11/00538/EXTM
DEMOLISH NIGHTCLUB AND TRAINING FACILITIES; ERECT
22,000 SEAT FOOTBALL STADIUM INCLUDING 114
BEDROOM HOTEL, CONFERENCE FLOORSPEACE, PLAYERS
HOSTEL, FOOD AND DRINK CONCESSIONS, BARS AND
OTHER ANCILLARY FACILITIES; ERECT 67 FLATS WITH
BASEMENT PARKING, ERECT RETAIL UNITS (CLASS A1)
TOTALLING 16,400 SQ METRES OF FLOORSPEACE OF
WHICH AT LEAST 20% SHALL BE RESTRICTED TO
BULKY/DIY GOODS, ERECT RESTAURANT (CLASS A3)
COMPRISING 279 SQ METRES OF FLOORSPEACE, ERECT
HEALTH CLUB (CLASS D2) TOTALLING 3205 SQ METRES
OF FLOORSPEACE, LAY OUT PARKING AND CYCLE SPACES
AND ASSOCIATED LANDSCAPING AND FORM VEHICULAR
ACCESSES ONTO EASTERN AVENUE AND FOSSETTS
FARM LINK ROAD (APPLICATION TO EXTEND THE TIME
LIMIT FOR IMPLEMENTATION FOLLOWING PLANNING
PERMISSION 06/01300/FULM GRANTED 30/06/2008)
PART OF FOSSETTS FARM AND SUFC TRAINING GROUND
EASTERN AVENUE SOUTHEND-ON-SEA ESSEX SS2 4DU**

APPLICANT: SOUTHEND UNITED FOOTBALL CLUB

- 5.1 The above consultation was received from the Head of Environmental Planning and Transportation, Southend Borough Council. It was not possible to provide a written report on the schedule for Members' information, however, further details will be provided in advance of the Committee.
- 5.2 Southend Borough Council is expected to consider the application at Committee in September 2011. District officers will, therefore, provide a full report to the meeting to allow Members to form a view and this will be forwarded to the Borough Council.
- 5.3 For Members' information; officers have already relayed to Southend Borough Council the comments raised at the Development Committee in June 2011 with regard to the stadium development. Namely, the need for Section 106 agreement monies to be made available for the maintenance of the ditches of the flood attenuation pond and for the travel plan to include provision for away supporters to be directed to the stadium via the A127 rather than via Sutton Road.

SCHEDULE ITEM 6**CONSULTATION ON APPLICATION NUMBER 11/00965/FULM**

**TITLE: 11/00965/FULM
REVISED PLANNING APPLICATION FOR DEMOLITION OF A NIGHTCLUB AND FOOTBALL TRAINING FACILITIES; 67 RESIDENTIAL UNITS, 22,000 SEATER STADIUM, ERECT A1 RETAIL UNITS TOTALING 18,878 SQM GROSS (INCLUDING 1,400 SQM GROSS OF FOOD); ERECT THREE A3 UNITS OF 909 SQM FLOORSPACE, ERECT D2 HEALTH CLUB OF 2,370 SQM FLOORSPACE, A CASINO OF 2,098 SQM FLOORSPACE, STADIUM HUB CAFE (A3) AND BAR (A4) OF 1,307 SQM FLOORSPACE; TRAINING ACADEMY OF 3,732 SQM OF FLOORSPACE, LAYOUT OF PARKING AND CYCLE SPACES, ASSOCIATED LANDSCAPING AND ACCESS WORKS (AMENDED PROPOSAL)**

**PART OF FOSSETTS FARM AND SUFC TRAINING GROUND
EASTERN AVENUE SOUTHEND-ON-SEA ESSEX SS2 4DU**

APPLICANT: SOUTHEND UNITED FOOTBALL CLUB

- 6.1 The above consultation was received from the Head of Environmental Planning and Transportation, Southend Borough Council. It was not possible to provide a written report on the schedule for Members' information, however, further details will be provided in advance of the Committee.
- 6.2 Southend Borough Council is expected to consider the application at Committee in September 2011. District officers will, therefore, provide a full report to the meeting to allow Members to form a view and this will be forwarded to the Borough Council.
- 6.3 For Members' information; officers have already relayed to the Borough Council the comments raised at the Development Committee in June 2011 with regard to the stadium development. Namely, the need for Section 106 agreement monies to be made available for the maintenance of the ditches of the flood attenuation pond and for the travel plan to include provision for away supporters to be directed to the stadium via the A127 rather than via Sutton Road.

CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

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

2. Your role as a Member of the Planning Authority

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

3. When the Code of Good Practice applies

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

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

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

C. Development Proposals and Interests under the Members' Code

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

Do then act accordingly.

Where your interest is personal and prejudicial:-

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

D. Fettering Discretion in the Planning Process

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

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

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

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

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.

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

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

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

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions

impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that

you have reserved judgment and the independence to make up your own mind on each separate proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

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

- you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

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

J. Officers

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

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.

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

L. Training

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