



Rochford District Council

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE DEVELOPMENT COMMITTEE – 14 April 2011

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

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

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

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

Ward Members for Committee Items

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

HULLBRIDGE

Cllr Mr M Hoy

Cllr Mrs L A Butcher

Cllr P R Robinson

RAYLEIGH CENTRAL

Cllr Mrs P Aves

Cllr A J Humphries

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

SCHEDULE ITEMS

Item 1	11/00076/FUL Two Storey Pitched Roof Rear Extension and 2no. Rear Facing Roof lights Holly Lodge Hall Road Rochford	Mr Robert Davis	PAGE 5
Item 2	11/00128/COU Change Of Use from Office Used as a Youth Training Centre To Office And Storage 57 South Street Rochford	Mr Mike Stranks	PAGE 9
Item 3	11/00037/FUL Application To Remove Condition 1 To Planning Permission EEC/ROC/581/62 Dated 5th November 1963 (As Revised By Appeal Decision To Application ROC/546/82 Dated 17th August 1983) To Delete The Following Condition; 1. Caravans shall only be occupied during the period 1st February to 30th November in each year. And Substitute The Following Conditions For the Holiday Part Of The Site; (i) The mobile homes are occupied for holiday purposes only. (ii) The mobile homes shall not be occupied as a person's sole or main place of residence. (iii) The owners shall maintain an up to date register of the names of all owners/occupiers of individual mobile homes in the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority. Halcyon Caravan Park Pooles Lane Hullbridge	Ms Katie Rodgers	PAGE 15
Item 4	10/00823/COU Change Use of Car Showroom to Use Class A4 Drinking Establishment/Pubs and Bars. Unit 1 68 - 72 West Street Rochford	Mr Mike Stranks	PAGE 28
Item 5	10/00647/OUT Outline Application For The Demolition Of Existing Bungalow And 3no. Detached Commercial Buildings And Residential Re-Development Comprising Of 4 x 2-Bed, 5 x 3-Bed And 4 x 4- Bed Houses, Layout Parking/Turning Areas Including 2no. Car Port Buildings And Access Off Little Wakering Hall Lane. All Matters Reserved Except Access And Scale York Bungalow Little Wakering Hall Lane Great Wakering	Ms Katie Rodgers	PAGE 38

SCHEDULE ITEM 1

TITLE:	11/00076/FUL TWO STOREY PITCHED ROOF REAR EXTENSION AND 2 REAR FACING ROOF LIGHTS HOLLY LODGE, HALL ROAD, ROCHFORD
APPLICANT:	MR MAURICE DRAGE
ZONING:	EXISTING RESIDENTIAL DEVELOPMENT
PARISH:	ROCHFORD PARISH COUNCIL
WARD:	ROCHFORD

- 1.1 The application is brought before the Committee because the applicant is a member of the Standards Committee.

PLANNING APPLICATION DETAILS

- 1.2 The application is for a two storey rear extension to a property located in Hall Road, Rochford.
- 1.3 The detached Edwardian style property was granted planning permission in 1924. The original property featured a single storey element across the rear elevation with a lean to roof above. Part of this, to the rear of the kitchen, was further extended pre 1948 and would be regarded as the original building in planning terms.
- 1.4 The dwelling occupies a good sized rectangular plot in excess of 0.1ha, which links onto St. Andrews Road. There is a detached garage located to the rear of the dwelling accessible by a 30m long driveway running alongside the western side of the house.
- 1.5 The dwellings either side are large detached houses. Works are currently underway and advanced to implement a planning permission for ground and first floor rear additions at Burnawne (10/00454/FUL), the neighbouring property to the west. The Towans, located to the east, has a two storey rear element extending beyond the rear of Holly Lodge. To the rear of the Holly Lodge the closest property is 40m distant.

SCHEDULE ITEM 1

- 1.6 The house has a ground floor projection extending between 2.6 and 4.7m to the rear of the property with a lean to roof above. The proposal is to extend the 2.6m deep section up to 4.7m and erect a first floor over and across the full width of the property to a depth of 4.7m. There would be a tiled roof above with two hipped end sections and a central gully. The pitches would match the original dwelling. A pair of velux windows would be inserted into the rear pitch of the original roof space. There would be three sets of rear facing first floor windows and no side facing windows.

RELEVANT PLANNING HISTORY

Application Number ROC/693/73.
Alterations and additions to the first floor.
Permission granted 6 September 1973. Not implemented.

Application Number 10/00699/LDC.
Application for Certificate Of Lawfulness for construction of two storey rear extension.
Refused.

CONSULTATIONS AND REPRESENTATIONS

- 1.7 **Rochford Parish Council** - No objection.
- 1.8 **London Southend Airport** - No safeguarding objections.

MATERIAL PLANNING CONSIDERATIONS

- 1.9 The dwelling is in an established residential area. In assessing planning applications for first floor extensions within residential areas proposals must have regard to the appearance and setting of the existing dwelling and to the protection of the amenities of the occupiers of adjacent properties.
- 1.10 The proposed development is of a scale proportionate to the existing dwelling and the extension would not in fact extend beyond the rearmost part of the existing dwelling. The proposal would use render, facing brick, plain tiles and UPVC windows corresponding with the existing property. In design terms it is considered to be a proposal harmonious with the existing 1920s house.
- 1.11 The extension would not extend beyond the rear of either of the neighbouring properties, thus the 45° rule is not breached and it is not considered that there would be any resultant overshadowing or overbearing relationship with these properties.

SCHEDULE ITEM 1

- 1.12 The proposed development would not affect the existing parking arrangements or garden area.

CONCLUSION

- 1.13 The proposed extensions and alterations would be of a design and form appropriate to the existing dwelling and no undue dominance or unreasonable effects from the changed appearance would arise for nearby residents.

RECOMMENDATION

- 1.14 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time Limits
 - 2 SC15 - Materials to Match (Externally)

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

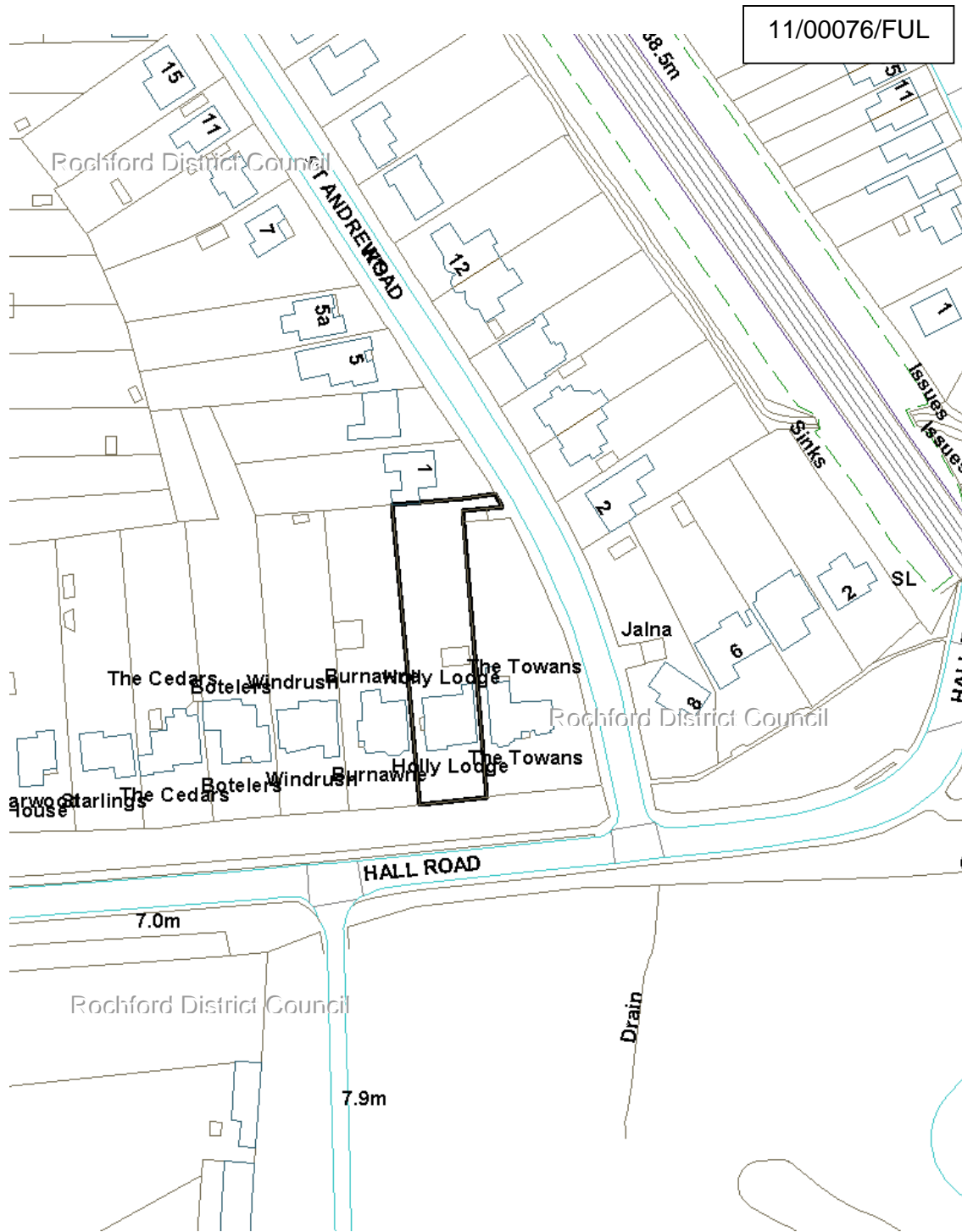
HP6 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.



Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 1



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

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

Rochford District Council, licence No.LA079138



SCHEDULE ITEM 2

TITLE:	11/00128/COU CHANGE OF USE OF BUILDING FROM OFFICE USED AS A YOUTH TRAINING CENTRE TO OFFICE AND STORAGE 57 SOUTH STREET, ROCHFORD.
APPLICANT:	ROCHFORD DISTRICT COUNCIL
ZONING:	EXISTING RESIDENTIAL DEVELOPMENT ROCHFORD CONSERVATION AREA
PARISH:	ROCHFORD PARISH COUNCIL
WARD:	ROCHFORD

PLANNING APPLICATION DETAILS

- 2.1 This application is to a site on the eastern side of South Street at the junction made with Bradley Way and comprising a former detached house with side garden and parking area enclosed by close boarded fencing. The site fronts onto a service lay-by alongside the main junction.
- 2.2 The site is adjoined to the south by the Rochford fire station and to the east by the Riverside Industrial Estate and Council depot. The Rochford police station exists further north beyond adjoining residential uses.
- 2.3 The site is allocated as existing residential development in the Council's saved Local Plan (2006) and is located within the Rochford town centre and Rochford Conservation Area.
- 2.4 The proposal is to change the use of the existing building authorised for use as a training and education centre to use for offices and storage for the Rochford District Council.
- 2.5 The application proposes no change to the external appearance of the building.

RELEVANT PLANNING HISTORY

Application No. ROC/832/74
Change use from office accommodation to into two living units.
Permission granted 13 January 1975.

SCHEDULE ITEM 2

Application No. ROC/327/79

Change use of existing premises from residential to office purposes.

Permission granted 26 June 1979.

Application No. ROC/510/80

Use of land as car park ancillary to No. 57 South Street.

Permission granted 16 October 1980.

Application No. ROC/244/83

Temporary permission to site portacabin for use as office accommodation.

Permission granted 28 December 1983 for a temporary period expiring on 31 December 1985.

Application No. ROC/348/86

Site one portacabin.

Deemed permission granted 23 September 1986.

Application No. 99/637/DP3

Change of use from offices to youth training and education centre (Monday to Saturday opening until 10.00 pm).

Permission granted 16 December 1999.

Condition 7.

Notwithstanding the provisions of Article 3, Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) Order 1995 (Including any Order revoking or re-enacting that order, with or without modification) the centre shall be used only as a training, information and education facility and for no other purpose, including any use ordinarily permitted within Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (including any order revoking or re-enacting that order, with or without modification).

REASON: To enable the Local Planning Authority to retain adequate control over such uses, in the interests of amenity.

CONSULTATIONS AND REPRESENTATIONS**2.7 Essex County Council Director for Environment, Sustainability and Highways**

No objection to raise.

SCHEDULE ITEM 2**MATERIAL PLANNING CONSIDERATIONS**

- 2.8 The building is of a residential design extending some depth to the rear at a full two storeys. At some stage prior to 1974 the building was in use for offices before changing to residential use prior to 1979. Thereafter, it was returned to office use before being given permission for a youth training centre in 1999. The building clearly has a history for office use dating back many years.
- 2.9 The building is located within the Rochford Conservation Area. The nature of the application involves a very similar use to that authorised and would result in no external changes and thus a neutral effect upon the character and appearance of the Conservation Area.
- 2.10 Although allocated in the Local Plan as existing residential development the site is located within the town centre where commercial development is generally encouraged. The site is near to the applicant's main offices and, given its past history, is ideally suited to provide additional office and storage accommodation. The proposal meets the requirements of saved Local Plan Policy SAT1 in that the location of the offices would be within the Rochford town centre.
- 2.11 The building has been previously used for office use for a number of years. The building is detached from the adjoining residential dwelling to the north by the intervening garden and parking area within the site over a distance in width of 13m. The applicant describes the general hours of use as 8:00 hours to 1730 hours on any day. The use would generate limited discernable noise above the general background noise at this junction. The separation from residential uses and the low key nature of the activity proposed would not give rise to unacceptable loss of amenity to those nearby residential uses. However, given the residential setting of the building, it is considered necessary to prohibit outside storage that might otherwise detract from the domestic character and appearance of the immediate site locality. This can be achieved by a condition to the grant of permission.
- 2.12 The building has a floor space of 155 square metres. The Council's adopted parking standard would require a maximum of 6 car parking spaces to be available on the site. Although located within a town centre with good access to alternative transport by a regular bus service and a mainline railway station serving the town, the site has a large tarmac surfaced area almost fully to the northern side of the building. Within this area there are two spaces marked out at 3.3m wide and 2.25m wide but to no defined depth. These marked out spaces are badly worn.

SCHEDULE ITEM 2

- 2.13 The yard area to the side of the building has an overall depth of 20.2m but tapers down from a width of 10.2m down to 8.4m at the rear. This space would also provide for 5 car parking spaces at the preferred space size to the adopted standards of 2.9m width x 5.4m depth and manoeuvring areas within the site to allow access for the delivery of materials to be stored and allow loading and unloading clear of the highway. Given the town centre location and the availability of alternative transport, the site would therefore accommodate parking and servicing sufficient to serve the use proposed.
- 2.14 The site is located within Flood Zones 2 and 3. Discussions between officers and the Environment Agency have concluded that the low key nature of the use represents no increased risk or vulnerability in comparison with the existing use and would not therefore require the submission of a flood risk assessment for consideration and consultation with the Environment Agency. However, due to the flooding history of the neighbouring Horse and Groom Public House, the Environment Agency recommend the applicant provide an emergency flood evacuation plan for occupiers of the building. As this matter is advisory, the provision of such a plan can be the subject of an informative to the grant of planning permission.

CONCLUSION

- 2.15 The proposed use of the site for offices and storage would accord with the requirement that commercial and public offices be located within town centres, as required by Policy SAT1 to the saved Rochford District Replacement Local Plan (2006). The use proposed would not give rise to any significant noise or disturbance to detract from the amenity of nearby residential occupiers.

RECOMMENDATION

- 2.16 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time limit standard
 - 2 There shall be no storage of materials or equipment in the open areas of the site other than car parking and the unloading and loading of materials and equipment from time to time associated within the use.

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 Rochford Conservation Area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

SCHEDULE ITEM 2

Relevant Development Plan Policies and Proposals

SAT1 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Standard B1 of the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010.



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

SCHEDULE ITEM 3

TITLE: 11/00037/FUL
APPLICATION TO REMOVE CONDITION 1 TO PLANNING PERMISSION EEC/ROC/581/62 DATED 5TH NOVEMBER 1963 (AS REVISED BY APPEAL DECISION TO APPLICATION ROC/546/82 DATED 17TH AUGUST 1983) TO DELETE THE FOLLOWING CONDITION:-

1. CARAVANS SHALL ONLY BE OCCUPIED DURING THE PERIOD 1 FEBRUARY TO 30 NOVEMBER IN EACH YEAR. AND SUBSTITUTE THE FOLLOWING CONDITIONS FOR THE HOLIDAY PART OF THE SITE:-

(I) THE MOBILE HOMES ARE OCCUPIED FOR HOLIDAY PURPOSES ONLY.

(II) THE MOBILE HOMES SHALL NOT BE OCCUPIED AS A PERSONS SOLE OR MAIN PLACE OF RESIDENCE.

(III) THE OWNERS SHALL MAINTAIN AN UP TO DATE REGISTER OF THE NAMES OF ALL OWNERS/OCCUPIERS OF INDIVIDUAL MOBILE HOMES IN THE SITE, AND OF THEIR MAIN HOME ADDRESSES AND SHALL MAKE THIS INFORMATION AVAILABLE AT ALL REASONABLE TIMES TO THE LOCAL PLANNING AUTHORITY.

HALCYON CARAVAN PARK POOLES LANE HULLBRIDGE

APPLICANT: **BERKELEY LEISURE GROUP LTD**

ZONING: **METROPOLITAN GREEN BELT, FLOOD ZONE, CARAVAN PARK**

PARISH: **HULLBRIDGE PARISH COUNCIL**

WARD: **HULLBRIDGE**

PLANNING APPLICATION DETAILS

- 3.1 Planning permission is sought to remove a planning condition from a 1963 planning consent (EEC/ROC/581/62), (as revised by appeal decision for ROC/546/82 dated 17th August 1983), which permitted the siting of holiday caravans for occupation throughout 10 months of each year. A new planning condition is proposed that seeks to retain the caravans in holiday use but allow occupation for the full 12 months of the year.
- 3.2 The planning condition that would be removed reads as follows:-
- 3.3 'Caravans shall only be occupied during the period 1 February to 30 November in each year.'

SCHEDULE ITEM 3

- 3.4 The planning condition that would be imposed in its place would read:-
- 3.5 'In connection with the 'Holiday' part of the site:-
- (i) The mobile homes are occupied for holiday purposes only.
 - (ii) The mobile homes shall not be occupied as a person's sole or main place of residence.
 - (iii) The owners shall maintain an up to date register of the names of all owners/occupiers of individual mobile homes in the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.'

SITE AND CONTEXT

- 3.6 The application site is an area of approximately 2.73 hectares and forms part of the larger Halcyon Caravan Park site, which extends to a total area of approximately 3.84 hectares. The application site is irregularly shaped consisting of land running along the full length of the northern, eastern and southern site boundaries, varying in width between 30 and 74 metres. The application site area wraps around a central area of the caravan park abutting the western boundary. This area, whilst within the park, is specifically excluded from the application site for the current application.
- 3.7 The northern boundary of the caravan park abuts part of the River Crouch. To the south the caravan park directly abuts Kingsmans Farm Road opening out onto open agricultural land beyond. Directly to the east, the park is bordered by Shangri-La Caravan Park whilst to the western boundary the park borders a detached residential property.
- 3.8 The application site is designated as Green Belt, as part of a Coastal Protection Area, within an area at risk of flooding and designated as a caravan park area on the adopted Local Plan (2006).

RELEVANT PLANNING HISTORY

- 3.9 The land at Halcyon Caravan Park has been approved as a holiday caravan site for many years with planning history dating back to the 1950s. Planning consent approved in 1963, reference ROC/00581/62, which granted use of the land as a holiday caravan park was implemented although in more recent years the number of caravans sited has reduced. This consent was made subject to several planning conditions, one of which restricted occupation of the caravans to between 1 March and 31 October each year. However, planning consent was later granted on appeal in 1983 (ROC/00546/82) to allow the caravans to be occupied between 1 February and 30 November each year.

SCHEDULE ITEM 3

- 3.10 Subsequently, applications have been made in an attempt to allow certain caravans at the site to be permanently occupied. Permission was granted in 1991 (F/0673/91/ROC) for the permanent occupation of 12 specific caravans on the site subject to a condition and Section 106 legal agreement, which required the use of these caravans to revert back to holiday use only to be occupied between 1 February and 30 November each year, once the existing occupants named in the legal agreement ceased to occupy the caravans.
- 3.11 Planning permission was then granted in 1996 (96/00113/ROC) for the permanent residential occupation of certain specific caravans at the site, namely caravans 1-7, 18 and 19, 40-45, 72, 74-84 and 105-112. In total, the 1996 consent permitted the permanent residential use of 35 caravans on the site, not limiting the occupation to specific persons. This consent did not restrict the residential caravans to any specific layout but did restrict the residential caravans to a particular area of the site at a lesser risk of flooding than other areas of the site.
- 3.12 The only other particularly relevant planning history for the site is an application that proposed the stationing of 77no. caravans and all-year-round residential use thereof (without compliance with a condition limiting occupation from 1 February – 30 November imposed upon appeal decision reference ROC/546/82), provision of storage sheds, construction of roads, parking bays and other ancillary development submitted in 2003, reference (03/00950/FUL); this application was, however, withdrawn.

CONSULTATIONS AND REPRESENTATIONS

- 3.13 **Hullbridge Parish Council:** Object for the following reasons:-
- Proposal could lead to residential occupation, which would be difficult to police and reverse.
 - Proposed area within a flood plain.
- 3.14 **Highways (ECC):** No objection.
- 3.15 **Environment Agency:** Object for the following reasons:-
- Insufficient information has been submitted to enable an adequate consideration of flood risk issues to be made.
 - It is not clear from the information submitted whether the caravans, which form the subject of the condition, are classified as a 'more vulnerable' or 'highly vulnerable' land use. Please confirm which classification your Authority considers the caravans to fall within. This will enable us to provide further advice.

SCHEDULE ITEM 3

- The caravan site falls within tidal Flood Zone 3 and it should therefore be noted that a 'highly vulnerable' land use would not be appropriate within this flood zone in accordance with Table D3 of PPS 25.
- Should your Authority consider that the caravans are classified as a 'more vulnerable' land use, the following comments would then apply:-
- Flood Risk Assessment (FRA) required.
- The change in condition would lead to an increased period of occupation in the holiday homes, which in turn would increase flood risk. It would also increase the occupancy during periods with greater storms and chances of flooding. The risk to users of the development would therefore be increased from what is presently in place with the original condition.
- Currently no FRA has been submitted in support of the application.
- PPS 25 identifies that the vulnerabilities of such developments to flooding and the risks to occupants need to be carefully considered. Both Table D2 and paragraphs D19 to D21 give clear advice that the acceptability of such developments is dependent upon advice from an FRA which addresses the management of residual flood risk to an acceptable level and includes a specific flood warning and evacuation plan that the LPA judge to be sufficiently capable of managing flood risk.

3.16 Neighbours: 13 objection letters received

40, 41, 46, 47, 81, 89 Halcyon Caravan Park
 Rosemont, The Lytch Gate and Numbers 4, 8 Pooles Lane, Hullbridge
 24 Hester Place, Burnham-on-Crouch
 20 Main Road, Tower Park, Hullbridge
 Two objections with no address provided

3.17 Summary of points raised:-

- Concern that property was purchased on the park 2 years ago with the promise from Berkley Homes that no further homes (residential or holiday) would be positioned on the site and that any further homes shown on the original plan would be retirement homes. Object to status of park changing from over 50s park only to holiday homes.
- Further additional homes would spoil the current view.
- The introduction of holiday homes would reduce the value of ours and other current homes on the site.
- Concern about increased traffic and lack of sufficient on site parking for current residents let alone cars generated from the new holiday homes.
- Holiday home users would not be responsible for looking after the homes once vacated - what rules would be in place? There could be an increase in vandalism and burglary once holiday homes were vacated. Concern about lack of security at the site.
- Concern about disruption to existing residents during building works.

SCHEDULE ITEM 3

- More homes would require more hard standings in an area at risk of flooding. The site only has natural drainage. Concern about increased flooding risk. New homes on the flood plain would be uninsurable.
- Concern about existing wildlife on the park (bats and badgers)
- Concern about trees being cut down on the site which are subject to Tree Protection Orders
- Concern about increased noise from the holiday home users.
- Existing services on the site would not be able to cope with the new proposed homes especially old sewerage system.
- Concern about detrimental traffic increase along Pooles Lane from the holiday homes, which is a dead-end road which is narrow and presents difficulty with existing traffic having to mount the kerb. Entrance to the site is very narrow and could lead to traffic problems.
- Concern about the implications of this application. We worry as we feel this is a step closer to the site having residential status.
- How will it be monitored that owners/occupiers are not resident for the full 12 months of the year. Is it indeed possible to monitor?
- The original planning permission did not allow full residential use (due to flood risk reasons) and nothing has changed; we feel this is a back door way of trying to get a full residential site.
- If the homes are allowed to be occupied all year we feel the system will be abused and that people will use them as their home but avoid Council Tax.
- Who will police the 52 week opening for holiday homes?
- The refuse area at the moment supplies the mobiles on site and is designated to only cater for a maximum of 10 mobile homes. I understand from my purchase that this could increase to 35 mobile homes but I cannot envisage where the refuse for over 200 mobile and holiday homes would be stored.
- The impact also to the rural village with the proposed volume of holiday homes, not only to the lives of the people already in the village but to the local shops as these would not be adequate enough to supply the holiday homes and the main convenience stores are 5 miles away.
- Concern about increased stress on amenities such as doctors' surgeries and energy supplies.
- Site is in the Green Belt, which should be taken into consideration.
- Would there be sufficient land within the site to accommodate the provision of required roadways, hard surfaces for homes, etc.
- Residential homes would offer more Council Tax generation.
- Berkeley Homes have been abusing their licence for 4 years with 14 permanent mobile homes on the site with many fully occupied for a full 12 months residential use whilst the previous owner was fined for such circumstances.

SCHEDULE ITEM 3**MATERIAL PLANNING CONSIDERATIONS****CURRENT USE OF THE SITE**

- 3.18 At present only approximately 15 caravans are on the site, some of which are permanently occupied for residential use (permitted under the consent 96/00113/ROC) whilst some are unoccupied pending completion of sale. It is understood that there are currently no caravans sited on the park used for holiday purposes.
- 3.19 As the planning consent granted in 1963 for use of the land at Halcyon Caravan Park as a holiday caravan park was commenced, it is an 'extant' consent that enables the applicant to undertake the remaining development approved under this consent at any time.
- 3.20 The applicant could therefore, without the need for any further planning consent, site additional caravans on the park for use as holiday accommodation, subject to the conditions under the 1963 consent and the condition restricting the occupation to between 1 February and 30 November each year, as amended by the 1983 appeal decision. The number of additional caravans that could be sited for the holiday use is not specifically restricted by the 1963 consent but the applicant would have to comply with the Caravan Site Licence, which currently restricts the number of caravans permitted at the site to a total at any one time of 126.
- 3.21 The applicant could also site additional caravans for permanent residential use without the need for any further planning consent as the 1996 consent that permitted the siting of 35 caravans for permanent residential use has not yet been fully implemented as there are currently only 15 caravans sited for this purpose. The additional residential caravans could, however, only be sited on a particular area of the caravan park as the 1996 consent restricted the siting of the 35 residential caravans to a certain area of the wider caravan park site due to issues of flood risk on other areas of the site. The layout plan submitted with the current application shows an arrangement of 35 caravans in the area of the caravan park outside the application site where the residential caravans were approved under the 1996 consent. The siting of these caravans would be a full implementation of the 1996 consent.
- 3.22 The submitted layout plan indicates that all of the caravans to be sited in the area to which the application relates (around the northern, eastern and southern boundaries), would be used for holiday purposes save for 3 caravans, which are not referred to as 'holiday' but are given plot numbers 46, 49 and 38. These caravans could only be used residentially if occupied by persons named in the Section 106 agreement.

SCHEDULE ITEM 3**THE PROPOSAL**

- 3.23 The applicant seeks to fully implement the 1963 consent by siting additional caravans on that part of the caravan park to which the application relates for holiday use, but seeks to have the planning condition requiring these caravans to be unoccupied throughout December and January removed, thus allowing occupation of these caravans for the full 12 months of the year.
- 3.24 The applicant has suggested that a new condition be imposed, which would read:-
- 3.25
- ‘In connection with the ‘holiday’ part of the site;
- (iv) The mobile homes are occupied for holiday purposes only.
 - (v) The mobile homes shall not be occupied as a person’s sole or main place of residence.
 - (vi) The owners shall maintain an up to date register of the names of all owners/occupiers of individual mobile homes in the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.’

FLOOD RISK

- 3.26 The proposal to remove the existing planning condition and thereby allow occupation of the remaining ‘holiday’ caravans throughout the full 12 months of the year must be assessed in relation to national planning policy concerning flood risk contained in PPS25.
- 3.27 PPS25 aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. This policy categorises development based on its vulnerability to flood risk, categorising all development as either water-compatible, highly vulnerable, more vulnerable or less vulnerable. Policy then stipulates what types of development vulnerability is appropriate given the flood risk categorisation of the land, which varies from flood zone 1 (lowest flood risk), through flood zone 2, flood zone 3a and then finally flood zone 3b (highest flood risk).
- 3.28 The application is not a proposal for the siting of holiday caravans intended for permanent occupation, although this would be the result if permission were approved, as the siting of caravans for holiday purposes on the application site is already permitted by virtue of the 1963 consent, albeit restricted to 10 months of the year. Rather, the proposal is to extend the time that the holiday caravans could be occupied at the site from 10 to 12 months of the year. It is considered that the proposal is in effect for the permanent occupation of holiday caravans at the site.

SCHEDULE ITEM 3

- 3.29 PPS25 differentiates between caravans used for permanent residential use and caravans used for holiday/short-let caravans in flood risk terms, the former being categorised as 'highly vulnerable,' the latter as 'more vulnerable'. The categorisation of holiday/short-let caravans as 'more vulnerable' is, however, on the basis that they are subject to a specific warning and evacuation plan.
- 3.30 PPS25 goes on, however, to advise that caravan sites intended for permanent occupation are regarded as 'highly vulnerable' explaining that the instability of such structures places their occupants at special risk and they are likely to be occupied during periods when flood risk is likely to be higher. The advice goes on to explain that sites intended for temporary occupation are classified as 'more vulnerable' rather than 'highly vulnerable' because they are usually occupied at times of the year when flood events are less likely to occur.
- 3.31 It is considered that the proposal for permanent occupation of holiday caravans at the site is a 'highly vulnerable' use based on policy advice in PPS25.
- 3.32 The applicant has suggested the imposition of a planning condition that seeks to ensure that the caravans remain in holiday use rather than being put to use as permanent primary residences. On this basis the applicant considers the proposed use to be 'more vulnerable' in flood risk terms. However, in flood risk terms, what is critical in the determination as to whether a caravan use is regarded as 'highly vulnerable' or 'more vulnerable' rests on whether occupation would be permanent or not rather than whether the caravan would be occupied as a residential home or as a holiday or short-let.
- 3.33 It is considered to be the case that the occupation of the caravans for 12 months instead of 10 months would not be considered to be a 'more vulnerable' use in flood risk terms if the caravans remained in holiday use rather than as permanent primary residences.
- 3.34 The categorisation of caravans occupied on a permanent basis is as a 'highly vulnerable' form of development regardless of whether the caravans are in holiday use throughout a 12 month period or as primary residential dwellings. The Environment Agency has commented on this in their consultation response.
- 3.35 PPS25 advises that 'highly vulnerable' development should not be permitted in flood zone 3b or 3a and is only appropriate in flood zone 2, subject to the Sequential Test being applied and if the Exception Test is passed. The Sequential Test is an assessment of whether the proposed development could reasonably be located on land at a lower level of flood risk and the Exception Test a weighting exercise of the need for the proposed development in terms of community benefit versus the level of flood risk.

SCHEDULE ITEM 3

- 3.36 The Environment Agency has confirmed that the application site is designated as flood zone 3 save for a very small area in the south-west corner, which is designated as flood zone 2.
- 3.37 The proposal for permanent occupation of holiday caravans is considered to be a 'highly vulnerable' form of development inappropriate in flood zone 3. The proposal is objectionable on this basis and would be contrary to policy advice in PPS25.
- 3.38 The proposed extended holiday occupation of caravans in flood zone 2 may be accepted although this would require detailed consideration of a site specific flood risk assessment, which has not been submitted with this application. In any case, the area of the application site designated as flood zone 2 is not sufficiently large to site even one caravan and consequently detailed consideration of the acceptability of the extended occupation of a caravan in this area is not required.
- 3.39 Even if the proposed use was considered 'more vulnerable' in flood risk terms, as suggested by the applicant, the acceptability of a 'more vulnerable' use would require detailed consideration of a site specific flood risk assessment, which has not been submitted with this application. The proposal would therefore also be objectionable if the proposal were considered to be for a 'more vulnerable' use.
- 3.40 There is also concern with respect to the wording of the proposed replacement condition. Whilst the Local Authority would be provided with a list of alternative and permanent residential properties for those occupying the holiday caravans there would be no means of the Local Authority verifying this information.

COASTAL PROTECTION BELT/CARAVAN PARK DESIGNATION

- 3.41 The application site is within an area designated as a Coastal Protection Belt, however the proposal for the additional 2 months occupation of the holiday caravans already permitted at the site is not considered to be objectionable in relation to policy relating to this designation.
- 3.42 The application site is designated as a caravan park where policy HP19 of the Local Plan (2006) applies and restricts the extension of existing parks. As the current proposal is not for the extension of the existing caravan park the proposal would not be contrary to this policy.

SCHEDULE ITEM 3**GREEN BELT**

- 3.43 As there are no local planning policies relating to the Green Belt relevant to the proposal the only relevant Green Belt policy is national policy contained within Planning Policy Guidance 2: Green Belts. The proposal to extend the occupation of holiday caravans from 10 to 12 months would not be objectionable in relation to policy in PPG2, given that the proposal would have no material effect on the openness, character or appearance of the Green Belt.

RESIDENTIAL AMENITY

- 3.44 The proposal is not a proposal for the siting of holiday caravans, as this use is already permitted at the application site by virtue of the 1963 consent. Rather, the proposal is for the extension of time during which the holiday caravans already permitted could be occupied from 10 months to 12 months. The net result of the proposal would be occupation of holiday caravans at the site for an additional 2 months, December and January.
- 3.45 It is considered that the proposed 2 months additional occupation of holiday caravans in December and January would not have a materially different impact on the amenity of existing residents than the impact that would occur from occupation of the holiday caravans currently permitted in the other 10 months of the year. Whilst the proposal to allow occupation in December and January would prolong the holiday use at the site, it is not considered that the additional 2 month period would give rise to a materially greater harmful effect on the amenity of existing residents such as to warrant refusal of the proposal on this basis.

HIGHWAYS

- 3.46 Again, with regard to impacts arising from increased traffic movements to and from the site and increased use of the narrow road to the site, only the possible highway impacts arising from the additional 2 months occupation of the holiday caravans can be considered in the determination of this application. It is considered that the additional 2 month period of occupation would not give rise to a materially greater harmful effect on the highway such as to warrant refusal of the proposal on this basis.
- 3.47 With regard to concerns about car parking at the site the assessment of this can also only be undertaken in relation to the 2 month extension of occupation of the holiday caravans which would not give rise to any increased car parking provision need at the site.

SCHEDULE ITEM 3**ECOLOGY AND TREES**

- 3.48 There are several individual and some groups of trees at the site, which are subject to Tree Preservation Orders; however, as explained, the proposal is for the extended occupation of the holiday caravans from 10 to 12 months and would not involve any development that would have a direct impact on any trees or ecology at the site.
- 3.49 Although a layout has been submitted with the application, the layout of the caravans on the site is not a matter for consideration in the determination of the current proposal. The applicant has consent by virtue of the 1963 permission to site caravans without having to agree the specific layout of those caravans with the Local Planning Authority.
- 3.50 An informative would, however, be attached to any decision notice to remind the applicant of the need to agree any works to any protected trees at the site prior to undertaking works.

CONCLUSION

- 3.51 The proposal is considered to be objectionable in flood risk terms, contrary to national planning policy guidance in PPS25.

RECOMMENDATION

- 3.52 It is proposed that the Committee **RESOLVES to REFUSE** the application for the following reasons:-
- 1 Planning Policy Statement 25 advises that development classed as 'highly vulnerable' should not be permitted in flood zones 3a or 3b and is only appropriate in flood zone 2, subject to the Sequential Test being applied and if the Exception Test is passed. The application site is designated almost entirely within flood zone 3 and the proposal to remove the existing planning condition restricting occupation of the holiday caravans to allow occupation for 12 months of the year is considered to be a 'highly vulnerable' form of development considered against the advice in PPS25. The proposal would therefore introduce a highly vulnerable form of development to a site categorised as flood zone 3, which is inappropriate and contrary to policy within PPS25.

Even if considered as a 'more vulnerable' form of development, the proposal is not accompanied by any Flood Risk Assessment to demonstrate that the Exception Test would be passed. Therefore, even if considered as 'more vulnerable', the proposal would be inappropriate and contrary to PPS25.

SCHEDULE ITEM 3

Relevant Development Plan Policies and Proposals

Policy HP19 – Caravan Parks Rochford District Council Replacement Local Plan
As saved by Direction of the Secretary of State for Communities and Local
Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to
the Planning and Compulsory Purchase Act 2004. (5 June 2009)

Planning Policy Statement 25: Development and Flood Risk

Planning Policy Guidance 2: Green Belts



Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 4

TITLE:	10/00823/COU CHANGE OF USE FROM CAR SHOW ROOM TO USE CLASS A4 DRINKING ESTABLISHMENTS/PUBS AND BARS UNIT 1, 68 – 72 WEST STREET, ROCHFORD.
APPLICANT:	NEWMAN PROPERTIES LTD
ZONING:	EXISTING RESIDENTIAL DEVELOPMENT ROCHFORD CONSERVATION AREA
PARISH:	ROCHFORD PARISH COUNCIL
WARD:	ROCHFORD

PLANNING APPLICATION DETAILS

- 4.1 This application is to the site of a former car show room located at the junction between West Street and Union Lane in Rochford town centre. The existing building is of a flat roofed design with large glazed panes comprising a shop front to the show room with a central double entrance door onto West Street midway along the front elevation. The site has a wide forecourt in tarmac surface which continues around the façade onto the return frontage Union Lane. The building is at present vacant.
- 4.2 The greater site, which is within the applicant's control, includes a service garage and workshops, together with a separate car valeting/cleaning business.
- 4.3 The current application is for a change of use to the car show room part of the site fronting onto West Street and Union Lane to Use Class A4 Drinking establishments / Pubs and Bars as per the Town and Country Planning Use Classes (Amendment) Order 2005.
- 4.4 The proposal shows no changes to the exterior of the building. The existing double doors fronting onto West Street would form the front entrance and the single double doors facing east onto the open land and exit for the valeting business would be retained as emergency fire exits.
- 4.5 The show room would be divided in half to form a customer seating area parallel with the West Street frontage and with toilets and bar area to the back half of the unit.
- 4.6 The application details show the availability for customer car parking in the rear service yard area also understood to be used by the car servicing and car valeting businesses which share the greater site.

SCHEDULE ITEM 4

- 4.7 The application particulars state the hours of opening to be from 11.00 am to 11.00 pm each day.
- 4.8 The applicant is understood to be the owner of the site.

RELEVANT PLANNING HISTORY

Application No. ROC/836/88

Outline application to demolish existing buildings and erect three storey building of 31 sheltered housing units and one matron's flat.

Application withdrawn.

Application No. 89/00049/OUT

Outline Application to Demolish Existing Show Room and Workshops and Erect 2 and 3 Storey Block of Shops and Offices.

Permission Granted

Application No. 98/00300/FUL

Create Two Openings and Insert Windows to Side and Rear Elevations.

Permission granted 10 July 1978.

Application No. 05/00815/OUT

Demolish Existing Buildings and Construct Three and Four Storey Building Comprising 26 No. One Bedroomed, 16 No. Two Bedroomed and 2 No. Three Bedroomed Flats With Basement Car Park and Single Storey Management Centre and Bin Store.

Permission refused 29 December 2005.

Appeal dismissed 28 June 2006.

Application No.05/00816/CON

Demolish Existing Show Room and Workshop Buildings

Permission refused 29 November 2005.

Appeal dismissed 28 June 2006.

Application No. 07/00703/FUL

Demolish Existing Buildings and Construct Part Three Storey, Part Four Storey Building With Basements and Underground Parking for 26 No. One-Bedroomed Flats, 4 No. Two-Bedroomed Flats, 1 No. Three-Bedroomed Flat, 9 No. Two-Bedroomed Maisonettes and One-Bed-Sitting Flat (41 Units in Total)

Permission refused 23 October 2007.

Appeal dismissed 23 April 2009.

Application No. 07/00704/CON

Demolish Existing Buildings and Re-Develop Site for 41 No. Flats.

Permission refused 18 September 2007.

Appeal dismissed 23 April 2008.

SCHEDULE ITEM 4

Application No. 09/00192/FUL

Demolish Existing Buildings and Construct Part Two and Part Three Storey Building Incorporating Lower Ground Level and Basement and Basement Car Parking to Provide Twenty Three x One-Bedroomed Flats, Fifteen x Two-Bedroomed Flats, One x Three-Bedroomed Flat and One x Bed Sitting Flat (Forty Units in Total).

Permission refused. 23 June 2009.

Appeal dismissed 1 December 2009.

Application No. 09/00193/CON

Demolish Existing Workshops and Show Room Buildings in Order to Re-Develop Site for Forty Flats

Application withdrawn.

Application No. 10/0822/FUL

Change of use of car show room to Use Class A3/A5 Fast food take-away restaurant and provide new customer entrance in shop front.

Permission Refused 29 March 2011 for the following reasons (summarised):-

1. The external extract flue duct is proposed to exit the rear wall of the building and direct downwards onto the rear yard area between the existing show room and the workshops at the rear, which is an area that is not within the applicant's control and will result in a loss of amenity to neighbours.
2. There is no detailed plan for dealing with commercial waste that this business will generate. There is no area outside the application building that is under the applicant's control that could be used for the storage of waste bins.
3. There is no defined area outside the application building that can be used for the safe unloading of deliveries to the building, which is detrimental to pedestrian and highway safety.
4. The proposed opening hours of the business would be detrimental to the amenity of residents in close proximity to the application site, by virtue of noise and disturbance. (HPT)

- 4.9 A burger van has been located on the site for a number of years. Enquiries by the Council's enforcement officers in 1998 concluded that the use had existed for around 15 years and was lawful. Although application forms for a certificate of lawfulness were given out it appears that no application for a certificate was ever submitted. Because of the likelihood of the use being lawful the matter was not pursued further.

SCHEDULE ITEM 4**CONSULTATIONS AND REPRESENTATIONS**

- 4.10 **Essex County Council Historic Buildings and Conservation Advice**
- 4.11 This is an application for change of use only. No physical alterations to the exterior of this building are being proposed and the character and appearance of the built Conservation Area would not be affected. Therefore have no observations to make on this application.

MATERIAL PLANNING CONSIDERATIONS

- 4.12 The site is within the Rochford town centre and is within an area allocated as existing residential development on the Council's saved Local Plan (2006).
- 4.13 Policy SAT 1 to the Council's saved Local Plan (2006) advocates a sequential approach to the location of commercial uses favouring town centre locations. The proposed use as drinking establishment/pubs and bars is an appropriate use for town centres and accords with Policy SAT 1.
- 4.14 Planning Policy Statement 4: Planning for sustainable economic growth (PPS 4 2009) advises at paragraphs EC3.1 b. iii) and iv) that where existing town centres are in decline, Local Planning Authorities should consider the scope for consolidating and strengthening these centres by seeking a wider range of services, promoting diversification and allowing retail uses to change to other uses, whilst aiming wherever possible to retain opportunities for vital local services. Advice at paragraph EC4.1 a. argues that Local Planning Authorities should support a diverse range of uses that appeal to a wide range of age and social groups, ensuring they are distributed throughout the centre. More generally the advice advocates planning for a strong retail mix so the range and quality of comparison and convenience goods meets the requirement of the local catchment area.
- 4.15 The authorised use of the site is as a car showroom. If permission was granted for the drinking establishment/pubs/bars now proposed, and assuming the retention of permitted development rights, it would be possible for the use to change in the future to a shop (A1) financial and professional services (A2), or restaurant/café (A3) should the drinking establishment close. Each of the uses enabled in this way would be appropriate to the town centre.

SCHEDULE ITEM 4

- 4.16 Government advice on the night time economy at paragraph EC4.2 to PPS 4, advocates that Local Planning Authorities should manage the evening and night time economy in centres taking account of and complementing the Council's Statement of Licensing Policy and encourage a diverse range of complementary evening and night time uses which appeal to a wide range of age and social groups ...making provision for leisure, cultural and tourism activities such as cinemas, theatres, restaurants, public houses, bars and cafés, and setting out the number and scale of such development the Council wishes to encourage.
- 4.17 In addition consideration must be given to the Ministerial Statement issued by the Government in March 2011, which sets out the steps the Government expects Local Planning Authorities to take with immediate effect.
- 4.18 Of particular relevance, PPS4 states that Local Planning Authorities should support enterprise, economic and other forms of sustainable development whilst having regard to all material planning considerations considering fully:-
- the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession ensuring that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that clear reasons are given for their decisions.
 - the range of likely economic, environmental and social benefits of proposals including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity).
- 4.19 The Rochford District 2008 Retail and Leisure Study noted that the percentage of leisure use within Rochford town centre was slightly below the national average. However, the study does not identify the lack of leisure uses within the town centre as a weakness *per se*. The study notes that when looking at the service activities in general (not just leisure), the percentage within Rochford town centre was in line with the national average.
- 4.20 The study suggests that the promotion of A3 and A4 activities in the Market Square, in conjunction with the creation of a more pleasant environment through pedestrianisation, could promote public use and enhance the character of the area, while providing greater levels of natural surveillance which in turn could engender a greater sense of security. Rochford's weaknesses, suggests the study, include its lack of comparison goods units, lack of high quality retailers, and lack of modern larger units.

SCHEDULE ITEM 4

- 4.21 The site is not within the Market Square. The site is not allocated for retail use in the saved Local Plan (2006). The use of the building as a drinking establishment would support the town centre function generally. The site adjoins the secondary and primary shopping frontages, is not located within them but is allocated for residential use. As such the concentration of non-retail use at this end of West Street does not fall to be considered under policies SAT 4 and SAT 5 to the saved Local Plan (2006). The fact that the site has a residential allocation indicates what the Council would like to see on the site if re-development is contemplated. However, this allocation in the Local Plan must be set against the presence of a substantial and viable commercial building that can legitimately be considered for a range of town centre uses.
- 4.22 The licensing objectives contained within the Council's Statement of licensing policy are:-
- (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm
- 4.23 Paragraph 1.20. to the current Statement of Licensing Policy (December 2010) states that from time to time a periodic report will be made to the Council's Executive on the situation regarding licensed premises in the area so as to inform Development Committee decisions.
- 4.24 The site is adjoined by Marlborough Head and Milestone public houses, the latter of which plays outside music and events. In addition the following are in or on the edge of Rochford town centre:-
- o The New Ship, East Street.
 - o The Golden Lion, North Street
 - o The Kings Head, West Street.
 - o The Horse and Groom PH, Southend Road
 - o The Rose and Crown PH, North Street.
 - o The White Horse, North Street.
- 4.25 There are currently eight public houses in this area. Although the proposal would result in a third pub/bar at the western end of West Street the concentration of similar uses is not harmful in planning terms unless there is evidence to show that such a further establishment would be detrimental to public order issues or the loss of retail space.
- 4.26 The site is outside the retail frontages and would not result in the loss of retail space.

SCHEDULE ITEM 4

- 4.27 The comments of the Head of Environmental Services with regard to licensing are awaited but although there have been anti-social behaviour issues within the town centre, the withholding of consent for the current application for that reason would require it to be demonstrated that this further establishment would add to that problem over and above that existing level and how it would be attributable to further problems that could not be addressed by licensing controls. In this application the applicant states the intended opening hours would be between 11.00 am to 11.00 pm each day and which officers consider acceptable.
- 4.28 There are no planning controls over the existing trailer van and which is licensed until 0300 hours Monday – Friday early mornings and until 0400 hours early Saturday and Sunday mornings. The trailer van is not included in the matters for consideration in this current application and would be entitled to continue to trade alongside the proposed use. The trailer van is not, however, an A4 use and compares with eating establishments also within the town.
- 4.29 The premises have a floor space of 201.94 square metres. Under the Council's currently adopted car parking standards the former use as a car showroom would require a maximum parking requirement of 5 car parking spaces.
- 4.30 The use for retail purposes would require a maximum of 10 car parking spaces.
- 4.31 The proposed use as a drinking establishment would require a maximum of 20 car parking spaces. However, the adopted standard clearly states that a lower provision may be appropriate in town centre locations where there is good access to alternative forms of transport and parking facilities.
- 4.32 The site is located within the town centre where there are public car parks, regular bus service and access to the rail network. Within the town centre there are many pubs, takeaways and restaurants that have no parking provision or minimal provision at best. In these circumstances the proposal would clearly not require the maximum provision because of the sustainable location of the site. Furthermore, the late evening use would be accommodated in the public car parking areas.
- 4.33 The applicant owns the greater site and shows the availability of 14 No. parking spaces at the back of the greater site within a walled area adjoining the hospital grounds and that these would include three spaces for disabled persons. These spaces are used in association with the car valeting and servicing uses on the site, but some of which would be available during the day and particularly during the evening when the vehicle uses are closed for business.
- 4.34 These spaces measure 2.4m in width and 5m in depth to the Council's previous standard. This same area could provide 11 spaces at the Council's recently adopted higher preferred standard at a width of 2.9m and depth of 5.5m in addition to an area set aside for refuse storage.

SCHEDULE ITEM 4

- 4.35 There is no objection from the County Highway Authority. Given the town centre location of the site, District officers consider it is unnecessary to require on site parking provision to serve the development proposed.
- 4.36 The applicant has more recently confirmed that there will be no requirement for fume extraction from the proposed use as there will be no food cooked on the site associated with the use proposed in this application.
- 4.37 All waste associated with the use will be stored in bins located in parking space bay No.1 nearest the site entrance in the car park to the rear of the greater site and closest to Union Lane.
- 4.38 All vehicle deliveries to the establishment will be made from the car park to the rear of the greater site.
- 4.39 There are no precise details of this arrangement accompanying the application. To enforce this arrangement it will be necessary to cover the requirements for refuse storage and servicing area by a condition to the grant of permission that can subsequently be enforced.
- 4.40 The applicant states that whilst there will be no structural alterations to the building, the existing signage will be removed, the windows repaired and the site generally tidied up.

CONCLUSION

- 4.41 The site is located outside a defined retail frontage and within an area allocated as existing residential development.
- 4.42 The vacant condition of the former car show room detracts from the appearance of the Rochford Conservation Area and the Rochford town centre more generally. The re-use of the building would enhance the town centre and Conservation Area in preference to the continued vacant state of the building.
- 4.43 The use proposed for a drinking establishment/pubs and bars is appropriate to the town centre. The site, although adjoined by two public houses, two restaurants and a night time burger van, would provide an alternative to the services offered by those neighbouring establishments that would by giving new use to vacant premises, help reinforce the vitality of the Rochford town centre.

RECOMMENDATION

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

SCHEDULE ITEM 4

- 1 SC4B - Start in three years.
- 2 Prior to the commencement of the development the applicant shall submit details for the provision of refuse storage associated with the use hereby permitted to be provided on the site or land within the applicant's control convenient to the site. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 3 Prior to the commencement of the development the applicant shall submit details for the provision of a servicing area associated with the use hereby permitted to be provided on the site or land within the applicant's control convenient to the site and clear of the highway. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

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 Rochford Conservation 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

SAT1 - Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Standard A4 - Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

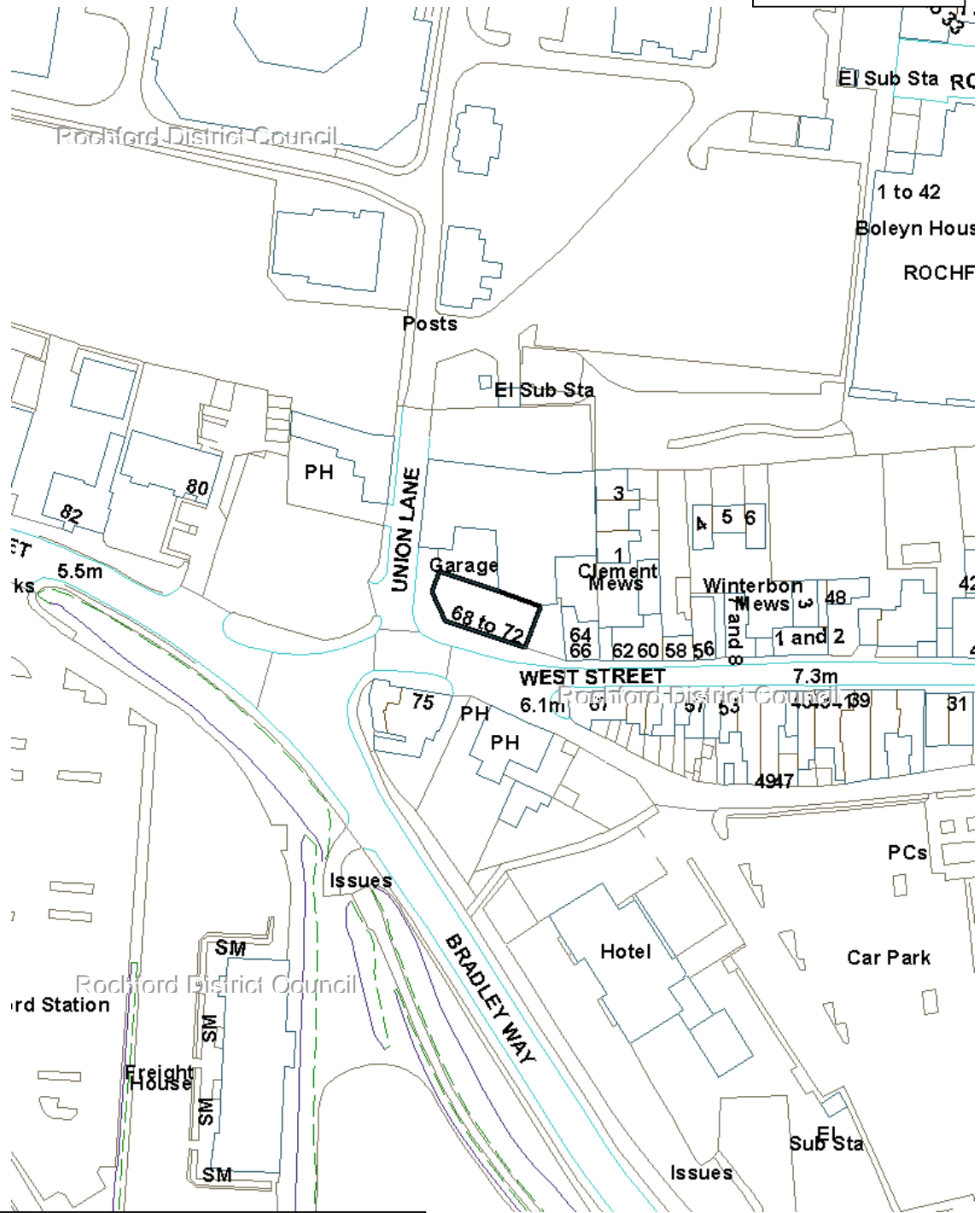


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

SCHEDULE ITEM 4

10/00823/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 5

TITLE:	10/00647/OUT OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUNGALOW AND 3NO. DETACHED COMMERCIAL BUILDINGS AND RESIDENTIAL RE-DEVELOPMENT COMPRISING OF 4 X 2-BED, 5 X 3-BED AND 4 X 4-BED HOUSES, LAYOUT PARKING/TURNING AREAS INCLUDING 2NO. CAR PORT BUILDINGS AND ACCESS OFF LITTLE WAKERING HALL LANE. ALL MATTERS RESERVED EXCEPT ACCESS AND SCALE YORK BUNGALOW LITTLE WAKERING HALL LANE GREAT WAKERING
APPLICANT:	SANDHURST NEWHOMES LTD
ZONING:	RESIDENTIAL
PARISH:	GREAT WAKERING
WARD:	FOULNESS AND GREAT WAKERING

-
- 5.1 Members are advised that a Councillor declared a prejudicial interest in this item under the earlier proposal 10/00152/OUT by virtue of renting a building on the site.

PLANNING APPLICATION DETAILS

- 5.2 Outline planning permission is sought for the demolition of the existing bungalow and 3 no. detached commercial buildings and residential re-development comprising of 3 x 2-bed, 6 x 3-bed and 4 x 4-bed houses, layout parking/turning area including 2 no. car port buildings and access off Little Wakering Hall Lane. Although described by the applicant in the initial application and advertised as 4 x 2-bed and 5 x 3-bed and 4 x 4-bed houses this has been amended to correctly reflect the mix of dwellings shown on the submitted plans.
- 5.3 The application site is located within the settlement of Great Wakering. The plot has an irregular shape with a site frontage onto Little Wakering Road of 31m that widens to a 56m wide boundary adjacent to termination of Moreland Close to the east.
- 5.4 The front of the site is occupied by a detached single storey dwelling known as York Bungalow; beyond this in the wider section of the site there are two warehouse buildings adjacent to the north and east boundaries and a row of two smaller units adjacent to the southern boundary. These buildings are currently occupied by businesses concerned with garage services.

SCHEDULE ITEM 5

- 5.5 The site is predominantly surrounded by existing residential dwellings on three sides: north, east and south. Mostly it adjoins the rear gardens to these dwellings. However, to the east the site adjoins the side elevation of houses facing Moreland Close and to the south west corner it adjoins the flank of a detached bungalow that is accessed from Little Waking Lane. Immediately opposite the site entrance there is pedestrian access leading to a car parking court serving properties in Brougham Close.
- 5.6 This application is an outline application with all matters reserved except for access and scale. The matters for determination are therefore the principle of residential development of the site, the acceptability of the quantum of development proposed, the scale of buildings proposed and access to and within the site.
- 5.7 Although the applicant has submitted a detailed site layout plan and detailed elevations for all of the buildings, the appearance of the buildings proposed and the layout and landscaping of the site are not for determination in this application. These matters would be considered as part of a Reserved Matters application, which would be required if the outline consent were approved.
- 5.8 However, as the scale of the buildings proposed is for determination in the current application and given the proposal for a large L-shaped terrace, it would be difficult for the layout to change significantly once the scale of buildings was approved given the size and shape of the application site.
- 5.9 The proposal is for 13 houses in total and the submitted indicative layout plan shows how this proposal could be achieved with the houses provided as a block of terraced properties in a building extending along the northern and eastern boundaries of the site. Each house is shown to be provided with an area of enclosed garden to the rear. The proposed dwellings are shown to face onto and wrap around a centrally positioned access road and turning area.
- 5.10 The submitted elevations, albeit indicative, show that the properties would have pitched roofs in a traditional vernacular style that has an undulating façade with changes in roof height and eaves level. Use of a variety of facing materials is also indicated that in addition to the articulated building lines serves to break up the continuous frontage of the building. The three storey element located to the middle of the eastern boundary is shown with flat roofed dormer windows within the roof.

RELEVANT PLANNING HISTORY

- 5.11 The site has a long planning history in connection with its previous uses; however, the most relevant planning history relevant to the determination of the current application is application 10/00152/OUT.

SCHEDULE ITEM 5

- 5.12 The current proposal is a re-submission of the earlier outline proposal 10/00152/OUT, which proposed much the same development of 13 dwellings as is proposed for consideration in the current application. Several changes have, however, been made to the proposal compared to 10/00152/OUT, namely:-
- A different mix of dwellings is now proposed with one more 4-bed property and one less 3-bed property than in the earlier scheme. The number of 2-bed dwellings remains the same at 3 proposed.
 - A slightly different car parking layout is now shown with slight re-positioning of the two proposed car ports and other parking spaces on the site.
 - Slight re-positioning and design of that part of the proposed terrace block orientated east-west with under croft parking to one of the dwellings now proposed and the re-positioning of the end of terrace property closer to the boundary of the site along Little Wakering Hall Road.
 - A slight increase in ridge height of one of the dwelling blocks proposed from 8.9 metres in the earlier scheme to 9.3 metres in the current proposal.

- 5.13 In addition, unlike the current proposal, the earlier proposal also included layout as a matter for determination at the outline stage. This earlier application was refused for the following reasons:-

1. The proposed development would result in the provision of on-site car parking spaces, which would not meet the Council's preferred bay size, as detailed in the documents entitled 'Parking Standards- Design and Good Practice (September 2009)', produced by Essex County Council. Failure to provide adequate on-site parking is likely to result in the displacement of vehicles onto the highway, giving rise to on street parking to the detriment of highway and pedestrian safety.
2. The proposal, by way of the substantial under-provision of private amenity space throughout the site, would not meet the Council's minimum garden space provisions, as detailed in Supplementary Planning Document 2:Housing Design and would result in a layout detrimental to the residential amenity of future occupiers and contrary to the aims of HP6 of the Replacement Local Plan.
3. The proposal, by way of the number of dwellings proposed, would lead to inadequate parking provision and a significant shortfall in private amenity space that is tantamount to an over-development of the site and which in addition would be detrimental to residential and visual amenity.
4. The submitted layout, due to the provision of roadside parking spaces at 90 degrees to a 4.8m wide road, an under sized turning head and the arrangement of the car port and adjacent parking bays to the north east corner, lacks sufficient spaces for the manoeuvring and parking of vehicles safely within the site and is likely to result in vehicles being parked within the highway as well as conflict between users to the detriment of highway and pedestrian safety.

SCHEDULE ITEM 5

CONSULTATIONS AND REPRESENTATIONS

- 5.14 **Great Wakering Parish Council:** Object.
The Parish Council requests that the Essex County Council's Development Management Engineer makes a site visit to Little Wakering Hall Lane as no visit was made for the last application.
- Little Wakering Hall Lane is not suitable for the development and the amount of traffic that the development will generate.
 - It is difficult for two cars to pass in the area of the Lane from High Street to the entrance of the proposed development.
 - Children use the Lane to go to and from school and the recreation ground. The Lane would have to be altered and there is no room for a footpath at the moment. Essex County Council had the Lane as a footpath on the Definitive Footpath Map until 13 years ago and only changed the classification when they discovered that they had adopted the Lane.
 - The splay onto the High Street is dangerous and would require altering. Which could mean losing on road parking?
 - A better entrance would be through the strip left for this purpose in Moreland Close, which would require a change to the design.
 - The three stories would be out of character to the houses and bungalow next door to the development.
 - The proposed play street, which contains a parking bay, is in the entrance road to the site and therefore dangerous for play.
 - The trees in the plans at the entrance will block the line of vision onto the Lane.
 - Dust carts have a problem getting into the site at present and will they have better access and exit onto the proposed development.
 - In line parking could prove difficult and there are no visitor parking spaces.
 - As no stated garden sizes we take it that they comply with Rochford's development policy on size
 - Despite what the developer states in the application a complete decontamination of site will have to be carried out and this will increase the number of lorry movements to site and cause noise, dust and disturbance to neighbours therefore a working time would have to be agreed and lorry wheel wash agreed. Also the parking of workers' vehicles will have to be agreed.
 - Sewage pipe would have to be replaced and run checked.
 - Lane used as an overflow car park for British Legion therefore parking regulations will have to be brought in and policed.
- 5.15 **Essex County Council Highways:** Object.
Objection raised on the following grounds:-
1. The access road at its junction with Little Wakering Hall Lane is narrow being some 4.4m wide. The narrow width combined with the 4.8m wide carriageway of Little Wakering Hall Lane will make it difficult for delivery and service vehicles to access the site to the detriment of highway safety.

SCHEDULE ITEM 5

2. The radius kerb on the south side of the junction appears to be 5m. Little Wakering Hall Lane is 4.8m wide and the combination of carriageway width and the junction radius will compromise turning movements of service and delivery vehicles to and from Little Wakering Hall Lane. This may result in kerbs being overrun and damaged/dislodged. Furthermore the combination of 4.8m wide carriageway widths and small junction radii may result in larger vehicles having to make several movements within Little Wakering Hall Lane to enter or leave the site to the detriment of other road users and general highway safety.
3. Because of the restricted distance between the parking spaces and the opposite kerbline, the 6 bay car port will be difficult to use because of the lack of space between the car port and the opposite kerbline. Manoeuvring to and from the car ports is restricted by the posts and therefore cars will have to clear the car port before turning movements can begin. If the car port is difficult to use cars may be parked within the road/turning head causing obstruction to other road users particularly pedestrians, to the detriment of highway safety.
4. The two spaces in the north east corner of the site that use the access to 6 bay car port will be difficult to exit from in forward gear if all the parking spaces within the car port are full. This may lead to vehicles reversing from the car park to the turning head to the detriment of highway safety.
5. The overhanging structure located between plots 7&8 is considered to be a risk to the public particularly with regard to its future maintenance and therefore should be removed in the interests of highway safety.

5.16 Natural England

Natural England has no comment to make in relation to this application. Note in the previous application for this site we referred you to standing advice. From the information provided with this application we do not feel that the proposals are likely to significantly affect the natural environment.

5.17 Essex County Council Education Provision

There remains sufficient primary, secondary and early years and childcare provision to serve the needs of the proposed development. We will therefore not be making a request for a s106 contribution towards education places.

5.18 Urban Design (ECC)

The proposal does not appear to have changed since my comments on the previous application, which were as follows:-

SCHEDULE ITEM 5

- The house at the entrance to the scheme should have some windows addressing Little Wakering Hall Lane.
- A row of two or three trees in the courtyard space would improve the street scene (only one has been shown)
- There may be overlooking issues with 3 Moreland Close.
- The fenestration of the houses on plots 4 &5 and 10, 11 and 12 where upper floor windows are larger than the ground floor provide an unbalanced appearance and different hierarchy from elsewhere. The fenestration pattern of the terrace formed by units 10 to 12 is poor.

5.19 Apart from these points I think that the general layout and massing now achieved is satisfactory.

5.20 **Environment Agency:** No objection.

The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore will not be providing site-specific advice or comments with regards to land contamination issues for this site. It is recommended that the requirements of PPS23 are followed.

5.21 **Environmental Protection (RDC)**

The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-

5.22 **Model Planning Conditions for Development on Land Affected by Contamination:**

1. Site Characterisation.
2. Submission of Remediation Scheme.
3. Implementation of Approved Remediation Scheme.
4. Reporting of Unexpected Contamination.
5. Long Term Monitoring and Maintenance.

Informative:

The applicant is informed that he has a legal 'Duty of Care' to correctly dispose of all waste arising from the development hereby permitted and for developments with a relevant cost greater than £300,000 (excluding VAT), there is a legal requirement to produce a Site Waste Management Plan before work begins.

SCHEDULE ITEM 5

5.23 In the Rochford District it is considered good practice for other than minor developments to produce a Site Waste Management Plan. Further information regarding Duty of Care and Site Waste Management can be found on the Council's website.

5.24 **Waste And Recycling (RDC)**

All new houses built within the District will be allocated three bins per property as standard (a compostables, a non recyclables and a recyclables).

5.25 **Anglian Water**

Comments made in April 2010 are still valid in that the existing foul and surface drainage networks and existing wastewater treatment capacity are able to accommodate the foul and surface water flows from the development.

5.26 **Archeaology (ECC)**

Despite the proximity of site to the High Street and the former Vicarage, it is clear that the site has already been significantly compromised (archaeologically) by the existing 'industrial scale' buildings on site and accordingly it is thought unlikely archaeological remains will survive intact. Therefore no recommendations for archaeological investigations or monitoring work will be made on this outline application.

5.27 **Essex Police**

Essex Police have no objection, but would request the development is subject to Secured by Design Certification on completion as a condition of planning. Crime and the fear of crime are planning considerations, along with section 17 of the Crime and Disorder Act. PPS1 and the Safer Places document support crime free developments. SBD homes will reduce the opportunities for crime and anti-social behaviour.

5.28 Neighbours: 6 responses received.

5.29 Responses received from the occupants of the following properties:-

5.30 193/195, 198, 203, 323 High Street, 21 Rushley Close, 1 no address given.

5.31 Summary of the comments received:-

5.32 Residential amenity

- overlooking and loss of privacy to 198 High Street and inadequate screening which would consequently result in overlooking and loss of privacy to properties on Rushley Close.

SCHEDULE ITEM 5

- Concern about possible additional lighting and how this would affect existing properties.

5.33 Construction

- Concern with regard to demolition of existing buildings and asbestos removal and soil contamination.
- It is hoped that all construction would take place during the week, not at weekends, and that environmentally friendly construction methods and renewable energy would be incorporated into the construction.

Access/Highways

- Need for developer contribution to sustain/enhance existing inadequate public transport provision given proposal that would increase population.
- Concern about the increase in traffic entering and exiting Little Wakering Hall Lane, which would be significant. At present many Wakering residents do not recognise Little Wakering Hall Lane as being a 'proper' road (particularly younger children travelling to and from school). Without major changes to the size, aspect and signage of this junction such increase in traffic would greatly increase the possibility of a serious accident.
- Concern about parking near the junction of the High Street and Little Wakering Hall Lane. Even when local residents comply with parking restrictions (Double Yellow lines and Diagonal Hatched Area) visibility is still severely restricted when entering the High Street from Little Wakering Hall Lane. Without major improvements in the layout of this junction and extensions to the parking restrictions additional traffic will result in a significant increase in the possibility of a serious accident. The junction between the High Street and Little Wakering Hall Lane is directly adjacent to the entry to the British Legion Club car park and this further complicates the safety issues of an increase in the daily traffic to this area.
- Concern about increased use of junction and minor road by heavy vehicles and plant during construction and that this would amplify road safety issues, jeopardise road structure and surface and would cause inconvenience to residents of Little Wakering Hall Lane, visitors to the football ground, allotments and Parish office. Already the carriageway is breaking up along the edge where vehicles over run the carriageway.
- Access to the site is unsuitable.
- In places the lane is not more than 3.6 metres wide across the metalled carriageway with a narrow earth verge each side. It is almost impossible for two vehicles to pass in opposite direction without extreme difficulty.
- At the junction with High Street the sight splay is extremely limited and the proximity of nearby buildings make it very difficult to alter this.
- The Lane is already overused with access to the Football Club, 170 allotment site and other buildings. I estimate the provision of 13 new houses could generate about 40 residents' vehicles plus visitors and service vehicles.

SCHEDULE ITEM 5

- A much better access is via Morelands Close which when built circa 1970 was deliberately left with an open end for future development. This road is more modern, wider and altogether more suitable access.
- There are no foot ways and insufficient room to construct any. 13 houses on this site could generate possibly 40 pedestrians at various times, many will be children, either on foot, on bicycles, in prams and pushchairs on their way to school. This will cause an unnecessary and unacceptable danger, whereas Moreland Close had good, wide foot ways imminently suitable for the purpose for which it was built.

Scale

- As regards scale my opinion is that this is over development with too many houses being packed into too small a space.
- Apart from a slight variation to the actual houses this bears a strong resemblance to 10/00152/OUT.

MATERIAL PLANNING CONSIDERATIONS

- 5.34 The principle of residential development of the site was considered and deemed acceptable in the determination of the earlier scheme (10/00152/OUT) as was the proposed density of development of 47 units per hectare and there has been no policy or other changes such as to warrant a different view being taken in regard to these matters in the current proposal.
- 5.35 The applicant has attempted to overcome the reasons for refusal of the earlier scheme.

REASON 1

- 5.36 The first reasons for refusal of the earlier scheme related to the fact that the on-site car parking spaces proposed would not have met the Council's preferred bay size.
- 5.37 Whilst layout was a matter for consideration in the earlier scheme and is not a matter for determination in the current scheme, consideration must still be given to whether sufficient on-site parking could be achieved within the site given the quantum of development proposed.
- 5.38 The car parking provision shown on the submitted layout, albeit indicative, shows the provision of 26 spaces. These are primarily arranged in two areas; a block of 6 covered spaces with 2 adjacent spaces to the north eastern corner of the site and a block of 4 covered parking spaces with 5 adjoining parking spaces perpendicular to the southern boundary. This second parking area has a tandem arrangement with spaces provided in front of the parking block.

SCHEDULE ITEM 5

A further 3 bays are provided parallel to the access road, 2 spaces are provided within the plot of the dwelling closest to the site entrance and 4 spaces are provided adjacent to the turning head.

- 5.39 Not all of the parking bays shown meet the preferred bay size. Each of the 3 spaces shown parallel to the access road would fall short of the required width, with two of the spaces falling short of the required length.
- 5.40 Consideration must, however, be given as to whether it would be possible to achieve adequate on site parking that would meet the preferred bay size. If the site could accommodate adequate parking then a planning condition could be imposed to require sufficient parking to be provided in the layout submitted for determination as a Reserved Matters application.
- 5.41 The spaces along the access road could be made wider and longer to meet the preferred bay size although this would narrow the access road to 3.3 metres and would result in the loss of some planted areas currently shown to the front of two of the dwellings. Given that it would be possible to accommodate all parking spaces shown at the preferred bay size of 2.9 metres by 5.5 metres this reason for refusal has been overcome.

REASON 2

- 5.42 The second reason for refusal of the earlier scheme related to the substantial under-provision of private amenity space throughout the site.
- 5.43 The amount of amenity space required by policy relates to the size and type of property proposed. The 3, two-bed dwellings proposed all have the minimum of 50 square metres of amenity space as required by policy. The 6, three-bed terraced properties are required to have a minimum of amenity space, which is a minimum depth of 2.5 x the width of the proposed dwelling to a minimum of 50 square metres unless 100 square metres is provided. Three of the 3-bed dwellings would be provided with amenity space that meets the policy requirement. Of the remaining 3-bed dwellings, one would fall short of the required garden depth by 5 metres, one would fall short by 36 square metres and one would fall short of the required garden depth by 5.3 metres. None of the 4-bed dwellings would meet the policy requirement for amenity space; one would fall short of the requirement by 22 square metres and the other three would fall short by 50 square metres each.
- 5.44 Notwithstanding the close proximity to long established allotments and proximity to other recreational facilities and public open space at Great Wakering recreational ground, it is considered that the proposal would still provide a substantial under-provision of private amenity space and represents an over development of the site.

SCHEDULE ITEM 5

REASON 3

- 5.45 The third reason for refusal of the previous scheme related to the inadequate parking provision and a significant shortfall in private amenity space for the number of dwellings proposed, which was considered indicative of a proposal for the over-development of the site.
- 5.46 The previous application proposed a total of 26 parking spaces for 13 dwellings and the layout for the current proposal, albeit indicative, shows the same number proposed. The level of parking proposed is the same as that which was proposed and considered in the officer report as acceptable in the earlier scheme on the basis of the fact that the proposal represents a cul-de-sac development serving 13 individual households rather than a flatted scheme. However, whilst this level of parking provision would meet the requirement in the parking standard for a minimum of 2 spaces per dwelling, no visitor parking would be provided, which the parking standard advises should be provided at 0.25 spaces per dwelling. The visitor requirement for the site would be an additional 4 spaces. The site is accessed off a narrow lane, which could not accommodate any overflow visitor parking and the site is developed such that there is no space to accommodate the required visitor parking within the site at the quantum of development proposed.
- 5.47 The failure of the revised proposal to address the substantial under provision of amenity space and lack of adequate parking provision remains objectionable and is still indicative of a proposal that amounts to over-development of the site.
- 5.48 An area to store 3 bins per dwelling would also be required and unfortunately it does not appear that consideration has been given to this requirement in the design of the scheme. Considering the indicative layout, the end of terrace properties would be able to store bins in the rear garden and have access to take the bins out from these areas to the front of the dwelling for collection. However, the other 9 dwellings on the site would not appear to be able to put their bins out for collection without taking the bins through their dwelling given the lack of access to the rear garden. There is also little space within the site to accommodate bin storage for these 9 properties to the front of the dwellings. Unless considered carefully, the option of front of dwelling bin storage may also give rise to harm to the street scene and visual amenity.
- 5.49 Layout is not, however, for determination in this application and it is considered that there is scope for development of a layout that would accommodate adequate bin storage at the Reserved Matters stage although this is likely to require a reduction in habitable floor space of the dwellings to accommodate the bin storage as there is little scope to alter the layout significantly given that one continuous terrace building is proposed.

SCHEDULE ITEM 5

- 5.50 The proposal is still considered to amount to over-development of the site by virtue of the inability of the proposal to accommodate amenity areas and adequate car parking provision that would meet the policy requirement.

REASON 4

- 5.51 The fourth reason for refusal of the earlier proposal related to highway objections. Although the parking, access and turning arrangements have altered slightly since the earlier proposal and the Highways Authority is now satisfied with the size of the turning head proposed, the Highways Authority remains concerned about a number of issues.
- 5.52 The restricted distance between the parking spaces and the opposite kerbline for the 6 bay car port remains a feature of the current proposal, as does the positioning of 2 car parking spaces in the far north-eastern corner. This proposed car parking arrangement was also proposed as part of the earlier scheme and an objection raised in relation to it. This element of the proposal remains objectionable. Manoeuvring to and from the car ports would be restricted by posts and therefore cars would have to clear the car port before turning movements can begin. If the car port is difficult to use cars may be parked within the road/turning head causing obstruction to other road users particularly pedestrians, to the detriment of highway safety. The two spaces in the north east corner of the site that use the access to a 6 bay car port would be difficult to exit from in forward gear if all the parking spaces within the car port were full.
- 5.53 Although the Highways Authority raises an objection with regard to the width of the proposed access road adjoining Little Wakering Hall Lane and the size of the radius kerb on the south side of the junction onto this lane, these concerns can be overcome by the imposition of a planning condition to require the radius to be increased to allow larger vehicles to manoeuvre into and out of the site satisfactorily. This concern would not therefore amount to a reason to refusal of the application.
- 5.54 Whilst the Highways Authority has raised an objection to the overhanging structure located between plots 7&8 on the basis that this structure is considered to be a risk to the public, particularly with regard to its future maintenance and insurance, this structure was a feature of the earlier proposal where no objection was raised in relation to it. The overhanging structure is not considered to amount to a reason to refuse the application although an informative would be included on the decision for this application to advise the applicant that the Highways Authority has concerns about this structure and that consideration should be given to its concerns and to the possibility of not including this structure in any future Reserved Matters application or re-submitted scheme.

SCHEDULE ITEM 5

LAYOUT AND RELATIONSHIP TO ADJOINING PROPERTIES

- 5.55 The positioning of the proposed dwellings within the site in the current proposal is indicative only but is very similar to the positions of dwellings that were proposed and considered not to be objectionable in the determination of the earlier proposal 10/00152/OUT.
- 5.56 The positions of the proposed dwellings are such that rear gardens would adjoin existing residential development; the main exception to this being the position of the detached bungalow at Peace Havens, the northern flank of which would fall adjacent to the proposed access road. In the earlier proposal this relationship was considered acceptable, not giving rise to a sufficient degree of harm such as to warrant refusal, given the opportunity to provide a suitable boundary treatment to this property and given the potential existing vehicular use including delivery lorries that arises from the existing use of the site.
- 5.57 Although the orientation of the proposed houses is shown to create a back to back relationship with the residential development to the north within Rushley Close, there would be a minimum of 25 metres between the new dwellings and these existing houses (save for a very small overlap between two of the properties where the distance of separation would be 22.4 metres). This separation was considered acceptable in the determination of the earlier scheme.
- 5.58 The separation distance of the proposed dwellings to the boundary with No. 3 Morelands is the same as previously proposed at approximately 10.1 metres. Potential overlooking that would arise in relation to the rear of No. 3 Moreland Close was not considered to be objectionable such as to warrant refusal in the previous determination given that views would be angled at 90 degrees and that no direct views between dwellings would result.
- 5.59 Layout is not a matter for consideration in the current application and consequently the positions of dwellings may not be the final layout proposed in the Reserved Matters application if outline permission was granted. However, the indicative layout shows proposed dwellings in very similar positions to that which was proposed in the earlier scheme 10/00152/OUT where they were considered acceptable in relation to each other and existing surrounding development. Given this, if the positions of the dwellings shown in the current application on the indicative layout were submitted as part of a Reserved Matters layout application there would be no reason to take the view that the positions of the dwellings were objectionable with regard to considerations of relationships between dwellings and matters of residential amenity unless policy or other relevant material considerations changed before such an application were submitted such as to warrant a different view being taken.

SCHEDULE ITEM 5

SCALE

- 5.60 The proposal would create a predominantly two storey development with a limited frontage along Little Waking Road. The three storey element would be set back within the site and partially enclosed by existing two storey housing. Whilst the proposal would introduce additional mass and height to some areas of the site compared with the existing commercial buildings, the proposed houses and car port structures would be positioned significantly further away from the site boundaries in comparison with the existing warehouse buildings, which are of a substantial size and are of a greater height (12.77 metres) than the maximum height of the proposed houses.
- 5.61 The height, length and widths of each of the proposed buildings as scaled from the submitted elevations and floor plans is as follows:-
- Car port 1 would be 4.2m to ridge, 2.2m to eaves, 12.5m length and 5.9m in depth.
 - Car port 2 would be 4.2m to ridge, 2.2m to eaves, 17.9m length and 5.9m in depth.
 - The dwellings proposed are shown on the submitted layout as one continuous terrace in an I-shaped building with an overall width of 57m in an east-west direction and an overall width of 37m in a north-south direction.
 - The scale of the dwellings within the L-shaped building varies with variation in ridge and eaves heights and articulation of the elevations. The L-shaped building would comprise 7 blocks of dwellings with:-
 - widths of between 5.5 metres to 16 metres with 2 linking sections
 - lengths of between 7 metres and 8.8 metres
 - ridge heights of between 8 metres and 9.3 metres
 - The lengths of the two linking sections between dwellings would be 5 metres and 6.3 metres with the ridge heights of these sections 5.1 metres and 7.3 metres.
- 5.62 In the determination of the earlier scheme the overall height of the proposed houses was considered compatible with the character of the two-storey family housing in the surrounding residential area and not visually intrusive in the street scene or over dominant within the wider character of the area.
- 5.63 The current proposal proposes much the same scale of development as was considered and deemed acceptable in the determination of the earlier proposal 10/00152/OUT, with only a marginal increase in ridge height of some of the proposed dwellings by 40cm.
- 5.64 There have been no changes in policy or other material considerations since the determination of 10/00152/OUT such as to warrant a different view being taken in relation to the acceptability of the proposed scale of the development proposed.

SCHEDULE ITEM 5

ACCESS TO THE SITE

- 5.65 Little Waking Hall Lane is an adopted unclassified road and the Highway Authority has no objection to the proposed access from it, subject to the appropriate widening of the bell mouth into the site; access off Little Waking Hall Lane was not considered objectionable in principle in the determination of the previous scheme and there is no reason to warrant a different view with regard to this in the determination of the current application.

ECOLOGY

- 5.66 No objection was raised to the previous application with regard to ecological concerns and there has been no change in policy or other material considerations such as to warrant a different view being taken with regard to ecology in the determination of the current proposal.

CONTAMINATION

- 5.67 Given the site's previous uses it is considered likely that there may be soil contaminants present, albeit at a relatively low level. A planning condition could be imposed to require remedial action as necessary following site investigations, which was suggested and accepted in relation to the earlier application.

CONCLUSION

- 5.68 The principle of re-development of the site for residential purposes at the scale proposed is acceptable in principle.
- 5.69 The previous scheme, which proposed much the same form of development 10/00152/OUT was refused on the basis of over-development of the site as a result of lack of ability to provide sufficient on-site parking and amenity space and due to highway concerns relating to specific aspects of the site layout.
- 5.70 The proposed layout, albeit indicative, does not demonstrate that sufficient amenity space or parking provision could be achieved to meet the policy requirement for the quantum and scale of dwellings proposed. The proposal is therefore still considered to amount to an over-development of the site.
- 5.71 Access is a matter for determination in the current proposal, which covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The proposal is still considered objectionable with regard to the proposed arrangement of car parking spaces to the north-eastern corner of the site as the accessibility of these spaces is considered inadequate.

SCHEDULE ITEM 5

RECOMMENDATION

5.72 It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons{-

- 1 The proposal, by way of the substantial under-provision of private amenity space throughout the site, would not meet the Council's minimum garden space provisions, as detailed in Supplementary Planning Document 2: Housing Design, and would result in a layout detrimental to the residential amenity of future occupiers and contrary to the aims of HP6 of the Replacement Local Plan. The inability of the site to accommodate the required amenity space is indicative of a proposal that amounts to an over-development of the site.
- 2 The proposal would result in inadequate parking provision for the number of dwellings proposed by virtue of the lack of visitor parking provision, which would not meet the Council's parking standard requirements, as detailed in Parking Standards Design and Good Practice Supplementary Planning Document (Adopted December 2010), which is likely to give rise to parking on the highway outside the site to the detriment of highway and pedestrian safety. The inability of the site to accommodate the required parking provision is indicative of a proposal that amounts to an over-development of the site.
- 3 The proposed arrangement of the car port and adjacent parking bays to the north east corner would result in a lack of sufficient space for the manoeuvring and parking of vehicles safely within these 8 car parking spaces and is likely to result in vehicles being parked within the highway as well as conflict between users to the detriment of highway and pedestrian safety.

Relevant Development Plan Policies and Proposals

EB3, HP6, HP10, HP15, TP5 - Rochford District Replacement Local Plan 2006
As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Supplementary Planning Document 2 (Housing Design)

SCHEDULE ITEM 5

Planning Policy Statement 3: Housing

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Statement 13: Transport

Parking Standards Design and Good Practice Supplementary Planning Document
(Adopted December 2010)

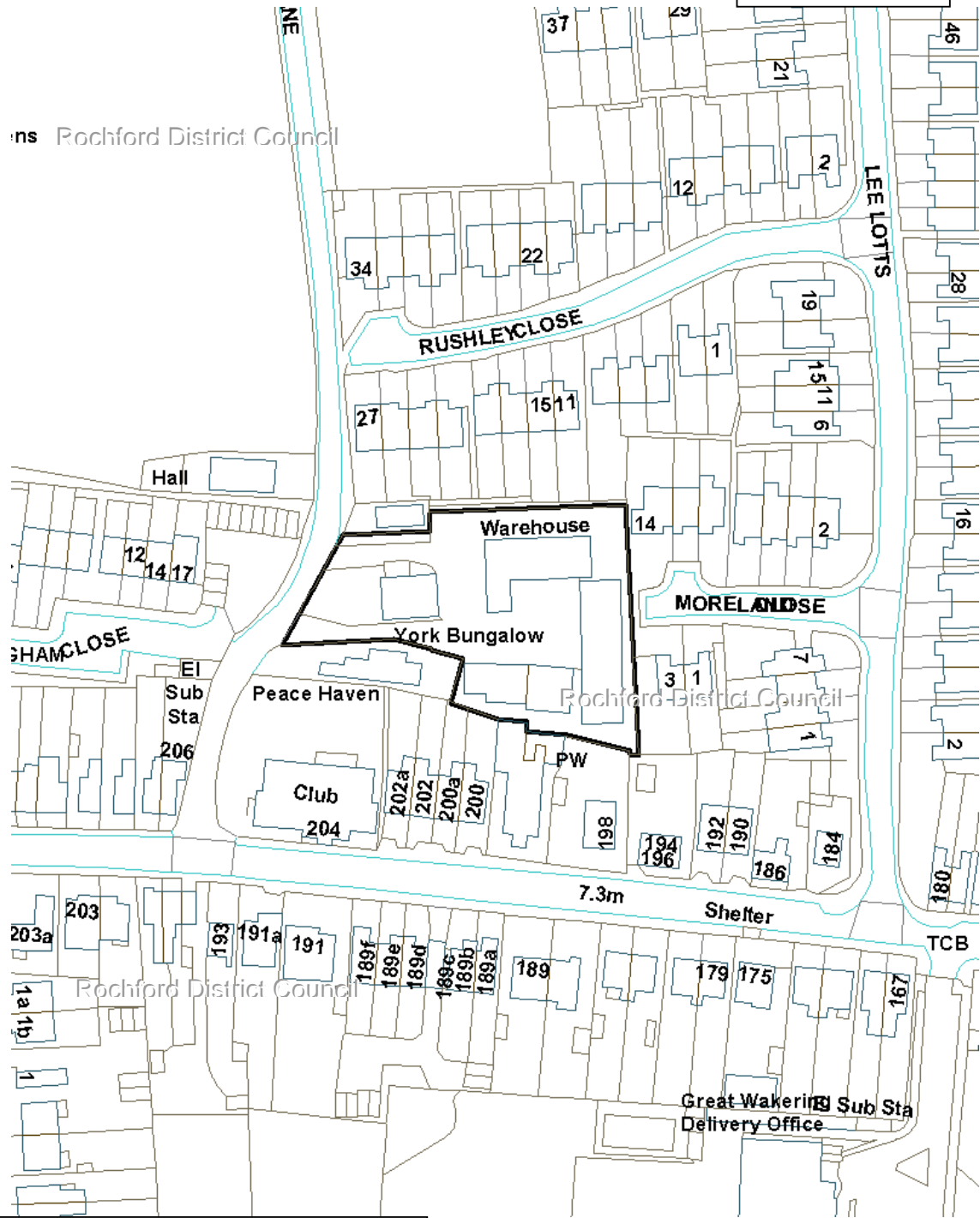


Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 5

10/00647/OUT



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 6

**TITLE: 11/00085/COU
PART CHANGE OF USE FROM EXISTING CAR SHOW ROOM
(INCLUDING ANCILLARY RETAIL SPACE) TO A1 USE
INCLUDING THE PROVISION FOR 6 NO. CUSTOMER CAR
PARKING SPACES - RESUBMISSION OF PLANNING
APPLICATION 10/00748/COU, INCLUDING REVISED VEHICULAR
ACCESS OFF EASTWOOD ROAD.
239 - 241 EASTWOOD ROAD RAYLEIGH**

APPLICANT: GEOFF BRAY (RAYLEIGH) LTD

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: RAYLEIGH CENTRAL

PLANNING APPLICATION DETAILS

- 6.1 Planning permission is sought to change the use of part of an existing car show room/garage to A1 retail use including the provision of 6 customer car parking spaces.
- 6.2 The existing car show room occupies a site fronting Eastwood Road close to the junction with The Chase. A large single storey building occupies the site, positioned within the eastern portion of the site, with the remainder of the site used for outdoor car sales, parking and as a small yard.
- 6.3 The site is located within a predominantly residential area although the site borders a retail store to the west. The proposed retail store would directly border several residential properties; No. 245 Eastwood Road and the rear garden boundaries of several residential properties on The Limes and Oakhurst Road to the rear of the site. The wider car show room site also directly borders other residential properties on The Limes and on The Chase.

PROPOSAL

- 6.4 The proposal seeks to change the use of approximately half of the existing building, that part closest to the eastern boundary, to use as a retail store. This part of the building is currently put to use as a show room area to the front whilst to the rear the building is divided up and provides a store room, offices, various cupboards and a toilet area. Part of the site frontage would also be incorporated into the site for the retail store providing off street parking for the retail store. Overall the proposed retail store would occupy just under approximately one-third of the existing car show room site. The proposal would incorporate alterations to the existing building to provide a new shop front for the retail store.

SCHEDULE ITEM 6**6.5 RELEVANT PLANNING HISTORY**

This application follows consideration of an earlier scheme in January 2011 (10/00748/COU), which proposed exactly the same form of development as is proposed in the current application, save for changes that have been made to the parking layout and provision. Although this earlier scheme was withdrawn by the applicant before determination, a recommendation was reported to Members on the Weekly List, which recommended the application be refused for the following reason:-

1. The proposal cannot accommodate the required number of parking spaces at the preferred bay size for the development, as recommended in the parking standards document issued by Essex County Council as Supplementary Planning Guidance in September 2009, Parking Standards, Design and Good Practice. The lack of adequate parking provision may lead to short term parking taking place within Eastwood Road on the footway or in The Chase to the detriment of pedestrian and general highway safety.

6.6 Other planning history at the site that is relevant to the current proposal is as follows:-

05/00627/FUL – Change of Use Workshop (B2) to Retail/Office (A1/B1). Total Refurbishment of Premises, Layout External Areas and Small Single Storey Rear Extension. APPROVED.

10/00479/FUL - Construct new vehicular access onto Eastwood Road. APPROVED.

CONSULTATIONS AND REPRESENTATIONS**6.7 Rayleigh Town Council: No objection.****6.8 Essex County Council Highways**

1. The parking spaces within both the land edged red and land edged blue shown on the submitted plan shall be available for use at all times by customers of both the retail unit and the car showroom.
2. Prior to the store opening, the parking layout, as shown on the submitted drawing 1901/11E shall be marked out on the ground and suitably signed.
3. Prior to the store opening the new dropped kerb vehicular crossing shall be constructed.

SCHEDULE ITEM 6

4. The existing access adjacent the boundary to No. 245 Eastwood Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing to the satisfaction of the Highway Authority.

6.9

Environmental Protection (RDC): Response received.

6.10

Suggest conditions and informative:-

1. Before the use commences (the building envelope) (specified area of building) shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the LPA (Local Planning Authority). Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
2. Prior to the commencement of any development details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the LPA before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
3. Prior to installation, details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the L.P.A. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.

6.11

6.12 Neighbours: 80 letters of objections received.

Eastwood Road – Numbers 182, 189, 192, 196, 198, 202, 206, 208, 210, 212, 214, 216, 218, 220, 228, 234, 247, 251A, 255, 257, 275, 290, 295, 306;
 Oakhurst Drive – Numbers 8, 9; The Chase – Numbers 2, 5, 7, 10, 14, 15, 'Whiteoaks', 20, 58, 86; The Limes – Numbers 14, 17, 20, 21, 22, 24, 28;
 12 The Glen; 100 Warwick Road; Wyburns Avenue- Numbers 3, 64; Nevern Road – Numbers 10, 75, 101 2, 3, 38; Oakhurst Road – Numbers 11, 17, 19, 86 Windsor Way; 4 The Croft; 10 The Laurels
 24 Poplar Road; 16 Essex Close; Oakhurst Road – Numbers 4, 12; 158 Daws Heath Road; 17 Woodlands Avenue; 5 Nore Road; 8 Woodside Court; Byron News 77 Grove Road; 12 No address stated.

6.13

SCHEDULE ITEM 6

Summary of comments received:-

Highways

- The increase in traffic and congestion that would result would be dangerous and would result in accidents at an already dangerous junction.
- There is a certain amount of inconvenience from the Co-op due to parking, delivery lorries, etc and we certainly do not need to add to this with another convenience store.
- Dangerous parking on Eastwood Road, which is a very busy road during rush hour, would take place by people nipping into the store and cause a danger, particularly to the unmanned crossing used by school children opposite the site.
- Concern about existing traffic problems in The Chase with delivery lorries parking daily in the Chase serving the Co-op causing loss of access to The Chase and Eastwood Road and the backing up of cars.
- No available parking provision in the surrounding area on Eastwood Road or on The Chase.
- Cars are nuisance parking at all hours of the day, blocking drive ways on The Chase, despite there being yellow lines and no parking signs; this situation would be made worse.
- Six parking spaces would not be sufficient to deal with potential custom and staff parking (25 staff proposed).
- The site already suffers from delivery lorries not pulling off the road due to lack of space; Eastwood Road is a clearway at peak times.
- The existing bus stop area is frequently unlawfully used by customers and delivery drivers, bus drivers are often forced to hold up traffic, another store would only aggravate an existing problem.
- We have only now learned that a previous application for this development was refused in January on highway grounds. It seems strange therefore that the number of parking spaces appear to have been reduced even though discussions have apparently taken place to overcome the highway objections.
- Currently, when the shop parking spaces are occupied, vehicles frequently park in the bus stop, causing congestion and making a very busy junction more hazardous. There are three bus services using the road, the number 9, 15 and 25, so the bus stop is very busy. Passengers frequently have to board or alight the bus in the road as there are cars parked in the bus stop.
- The public wanting to park near the Tesco Express could in fact wish to park down the The Limes, Leslie Road or Oakhurst Road, which do not have parking restrictions. This would make traffic congestion in these roads ridiculous, not just from the public but from staff seeking to park their vehicles during working hours.

SCHEDULE ITEM 6

- Proposing that the remaining Geoff Bray parking spaces are to be used by Tesco too will not improve the situation; it merely highlights how little traffic currently visits the Geoff Bray site (the existing spaces are almost always all empty) and what a momentous change is planned to hit residents. If Geoff Bray had an existing flow of traffic it would not be able to agree to this Essex County Council Highways condition.

Residential Amenity

- Disturbance and harm by virtue of noise from early morning and late night deliveries due to noise of engine, unloading onto metal trolleys and lights.
- Concern about late night alcohol sales, which is a magnet for noise, litter and anti-social behaviour.
- Flood lights on the site, which are intrusive to us will get worse with a big store and then there will be no respect for our privacy.
- The current use is commercial but with normal office hour operation and has little on or off vehicle movement (despite it being a car sales site) and the new operation will be intensive in movement and the opening hours will be far longer, affecting local residents.
- The heating system at the site would be on longer, which would cause greater disturbance to neighbouring properties to the rear of the site.
- Additional air conditioning ducting systems could cause increased loss of residential amenity from the site.
- Opening hours are unacceptable and unnecessary for a residential area. We already have the shop open until 10.00 pm, which causes noise and disturbance to the neighbouring residents.
- At present the valeting area is situated at the back of the building - will this have to move to make way for the store? During the summer months I already have constant noise from pressure washers and I have also smelt paint fumes from the workshop in the past. I do not want this area to be moved closer to my property.
- The proposed building is to be elevated, meaning the view from my window will be compromised, which in turn could de-value my house.

Impact on town centre/nearby businesses

- If the development does go ahead fewer people will be inclined to shop in Rayleigh High Street, an area where people should be encouraged to use, if it is not to die like many other town centres.
- Loss of business to existing retail shops in Eastwood Road and The Chase trying to keep afloat in tough economic times would result. The proposal would financially destroy existing local retailers resulting in the loss of jobs.

SCHEDULE ITEM 6

- I have been running a local convenience store on The Chase, Rayleigh; in a secondary parade, just around the corner from the proposed development; for the past 24 years and this is my main livelihood. I strongly object to the proposed development as this will, I fear, destroy my small business, which has just about survived with the already local competition from the Co-op, which is sited next door to the proposed development. I have already witnessed small businesses like mine, collapse with similar previous developments and strongly feel that the council should support its already struggling small businesses by rejecting any such proposals, which threaten the livelihood/survival of small established businesses like mine.
- I am an owner of an independent convenience store at The Chase crossroads - I have owned this business for nearly 20 years and have noticed a reduction in the foot flow of people in this area. This has been partly caused by the larger retail multiples, including the Co-Operative and I only feel this will get worse with Tesco.
- The Council would do better to protect the High Street as per SOR 1 and SOR 2. Why does the applicant claim SOR1 and SOR2 do not apply?
- On what basis has the applicant's assertion that there is a "proven need for retail" been arrived at? Was a footfall or door to door survey performed? This store is evidently NOT for LOCAL people. This store is clearly Destination Shopping. The vast majority of its visitors will do so by vehicle and with the store being their primary destination. This is the role of a HIGH STREET. The operator obviously sees it as a cheaper alternative to a town centre location putting only its own operating costs first.

Visual Amenity

- Visual impact is of a concern due to size of the store and signage, and also due to there already being a small store next door. It is not in keeping with the area.
- If permission is granted the Council should cost for the tightening (and enforcing) of parking restrictions on Eastwood and all surrounding roads, increased man hours of parking enforcement to include weekends and evenings to ensure the controls are effective, additional litter patrols, the replacement of the unmanned zebra crossing with a proper pelican crossing, return of the axed school crossing service, the provision of screening to those residents living in direct sight of the development such as mature trees, etc, the provision of sound proofing to houses directly affected by delivery noise. These matters should be the responsibility of the applicant via S106, NOT Council Tax payers to fund these costs (revenue costs in perpetuity).

SCHEDULE ITEM 6

Other matters

- Object to Tesco in the road. Tesco had a presence in Rayleigh and left the town when it suited them.
- There is no need for another shop in this residential road as there is already the Co-op store, which is a suitably sized convenience store, already supports the area adequately with no over supply.
- Tesco already has a similar supermarket less than 2 miles away in Rayleigh Road, Eastwood and in the other direction from the Bray site Rayleigh town centre is only 1 mile away.
- Proposal will destroy our neighbourhood, the character is being taken out of our road with retail development that is not needed as we have retail parks for the town and it must not continue.
- Good quality housing stock would be better use of this land if change of use is required and this has to include the infrastructure required to support it.
- Proposal will devalue property.
- There is no mention of a fuel filling station; this site was a petrol station before that had to close, along with Queens Road petrol station. In my opinion they are not necessary.
- Most Tesco's have an ATM machine; has the Council considered that once the store has closed this would attract the public to visit this site late at night or even in the early hours, not only would this be a disturbance to the local residents but also from a security aspect we would feel very vulnerable.
- It is not clear from the plans what the intended use for the area of land between the current Geoff Bray buildings (currently used as a display area for used cars) and the Co-op shop building are. This needs to be clarified as part of the proposal.
- Consent will lead to a proposal for a larger retail store at the site at a later date, which would attract a greater volume of customers to the site, creating other significant problems for local residents.
- The plans already submitted show a 'back of house' ancillary retail area. What exactly is this to be used for; 'ancillary retail' indicates it could all too easily be incorporated into the retail floor space, without further planning objection.
- Concern that full and proper consultation did not take place on this application.
- Does the Council have a policy to identify and avoid breaching saturation point of a particular type of retailer?

6.14 MATERIAL PLANNING CONSIDERATIONS

No end user has been specified by the applicant for the building, but Members should note this is not a requirement for the determination of the application.

SCHEDULE ITEM 6**PROPOSED RETAIL USE**

- 6.15 The site is located within an area allocated residentially on the adopted Local Plan (2006) although the site is currently in commercial use such that the proposal would not result in the loss of any dwelling units.
- 6.16 The acceptability of the principle of the proposed retail use must be assessed in relation to relevant planning policy and any other material considerations. Policies SAT1 and SAT2 of the Local Plan (2006) are relevant, as is policy in Planning Policy Statement 4: Planning for Sustainable Economic Growth. In addition consideration must be given to the Ministerial Statement issued by the Government in March 2011, which sets out the steps the Government expects Local Planning Authorities to take with immediate effect.
- 6.17 Of particular relevance, PPS4 states that Local Planning Authorities should support enterprise, economic and other forms of sustainable development whilst having regard to all material planning considerations considering fully:-
- the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession ensuring that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that clear reasons are given for their decisions.
 - the range of likely economic, environmental and social benefits of proposals including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity).
- 6.18 Policies SAT1 and SAT2 adopt a sequential approach to new retail uses with a preference to locate new retail uses within the existing town centres of Rayleigh, Rochford and Hockley, followed by location within edge-of-centre sites, then district and local centres and lastly in out of centre sites; this sequential approach echoes guidance in PPS4.
- 6.19 The application site is not within any of the existing town centres or considered to be an edge of centre location. The site is only directly bordered by the car show room, which would remain and the adjoining retail premises and this row of what would be three commercial units is not considered to amount to a district or local centre. Although not within a local centre the proposal does not relate to a site isolated from any other commercial premises.

SCHEDULE ITEM 6

- 6.20 The applicants have submitted a report that addresses the issue of need and conclude that there is demand for the proposed retail store, identifying a small catchment area of expected custom from the surrounding residential area. The applicants have very briefly addressed the availability of alternative sites identifying five sites, none of which are identified as a suitable alternative. The applicants have considered the potential impact on the nearby town centre of Rayleigh and conclude that the proposal is not likely to have a harmful impact on the viability or vitality of this centre.
- 6.21 Whilst retail uses are to be strongly encouraged in town centres to support the vitality and viability of these locations, a retail store in this location, away from a town centre, is still considered to be a use compatible with the wider context of the site as a predominately residential area.
- 6.22 The surrounding area is built up in character such that there are a large number of potential customers within walking distance to the site. There is also easy access to the site by bus and it is not anticipated that the proposal, given its location, would result in change to travel patterns on a noticeable scale.
- 6.23 Whilst the proposed use could generate direct competition for the neighbouring retail store, this is not a reason to refuse planning permission; the proposal is not considered unduly harmful to the viability and vitality of any local shopping centre. The proposal is not considered to be contrary to policies SAT1 or SAT2 such as to warrant refusal of the application.

RESIDENTIAL AMENITY

- 6.24 The proposal would introduce a retail use at the site such that the number of businesses at the site would increase to two. The proposed independent retail use is likely to generate a greater number and frequency of customers than the existing car show room use, the activity associated with which could continue alongside the retail use. However, it is considered that the retail use would not give rise to an increased potential for noise and disturbance to nearby residential properties, which would have a detrimental effect on the amenity that ought to be reasonably expected by the occupants of neighbouring properties, especially given the context of the site on a main road and the existing commercial use of the site.
- 6.25 The opening times proposed are 0700 to 2300 Mondays to Sundays including Bank and Public Holidays. The closing time would increase the potential for vehicle movements later than currently occurs. These vehicle movements would be in close proximity to the residential property directly bordering the site on Eastwood Road. The opening times are not, however, considered to be unreasonable given the context of the site on a main road.

SCHEDULE ITEM 6

- 6.26 Minor changes would be made to the fenestration in the side elevations including: the removal of two windows facing the yard area, the removal of two windows and a door and the insertion of a new steel door in the rear elevation and the removal of two doors on the side elevation facing the neighbouring residential property. In all cases where windows and doors are removed the spaces would be in-filled with render to match the existing building. The changes would not give rise to any harm by way of causing overlooking to neighbouring sites and would be acceptable.
- 6.27 The one window in the rear elevation which would remain was conditioned to remain in obscure glass under planning consent 07/00258/FUL, which retrospectively approved fenestration changes to the building, which differed from the original consent for refurbishment of the car show room under 05/00627/COU. This window would again be conditioned to remain obscure glazed.
- 6.28 Two ventilation extract ducts with grills over are shown to the rear elevation with one ventilation extract duct shown to the side elevation. A planning condition would be imposed to ensure that no such ducts/ventilation extracts are installed before specific details have been agreed with the Local Planning Authority. This would ensure that all extract ducts are installed such that no harm to residential amenity to neighbouring properties would result.

VISUAL AMENITY

- 6.29 The existing building on the site is of modern construction, single storey, and with a flat roofed appearance to the street. The façade is comprised of grey coloured metal sheeting above large glazed panels and doors with a red coloured feature panel, which extends above the main roof line. A suspended canopy extends across almost the full width of the building.
- 6.30 The proposed alterations to the existing frontage would consist of replacing six of the large glazed panels with smaller glazed panels including the insertion of a set of automatic double sliding entrance doors and the addition of one metal cladding panel, to match others on the existing building. The metal cladding above the glazed panels would remain, as would the suspended canopy over the whole building. The alterations proposed are considered to be in keeping with the existing character and appearance of the building such that the building would still have a coherent frontage composed mainly of glass, although with some differentiation of the two commercial businesses on the site.

HIGHWAYS

- 6.31 The site is currently accessed via one large vehicular crossover, which is located almost directly in front of the main entrance doors to the car show room, which are in the centre of the front elevation. This vehicular access is close to a pedestrian crossing on Eastwood Road.

SCHEDULE ITEM 6

- 6.32 Whilst there is an additional smaller vehicular access to the site off Eastwood Road to the eastern boundary of the site, this is not in use as bollards are currently positioned across the site frontage in this location to prevent use.
- 6.33 Planning consent was granted for the relocation of the smaller vehicular access under 10/00479/FUL, which permits this access to be moved some 6 metres from the eastern boundary, almost directly in front of that part of the building in which the retail unit is proposed. This relocated access was, however, to serve the existing car show room use at the site and to provide access to park cars for sale on the car sales display area on the eastern portion of the site frontage rather than to provide an additional access for parking for visiting members of the public.
- 6.34 The proposal seeks to utilise the 2010 planning consent for the relocated access for the retail unit proposal and would result in two vehicular accesses in use for visiting members of the public to the overall site.
- 6.35 The proposal includes the provision of 6 car parking spaces to the front of the proposed retail unit including 1 disabled bay, for use in connection to the proposed retail store. The parking bay scales from the submitted layout plan to dimensions of 2.5m by 5.5m (save for the disabled bay), which would fall short of the preferred bay width by 40cm. There would, however, be space to provide the 6 spaces proposed to meet the preferred bay size.
- 6.36 The proposed retail use is described by the applicant as intended for use as a 'convenience store,' which is considered to fall into the A1 (food store) category in the parking standard in relation to which there would be a maximum parking provision requirement of 28 spaces with the need to provide a maximum of 2 disabled bays. In addition, the parking standard would require 2 cycle spaces and adequate space for the parking and turning of service vehicles. The parking standard advises that lower provision may be acceptable in urban areas where there is good access to alternative forms of transport and existing car parking facilities. Whilst there are no existing parking facilities in the area surrounding the application site, the site is located in an urban area and on a main road with public transport access to the site.
- 6.37 The retail store neighbouring the site has 6 off street parking spaces, although this premises has a smaller floor area than the retail unit proposed. In addition, numerous objection letters have been received from residents in the area surrounding the site explaining that this existing retail use gives rise to on-street parking in surrounding residential streets and to unauthorised parking in the bus stop bay to the front of the site to the detriment of highway and pedestrian safety.

SCHEDULE ITEM 6

- 6.38 The proposed car parking spaces would be positioned on an area of the site currently used for the display of cars for sale and would not therefore result in a reduced parking provision for the car show room use that would remain. However, whilst the Highways Authority does not object to the application, this is on the basis that the parking currently serving the car show room is merged with the proposed parking for the retail store such that parking provision would extend across the frontage of the building and would be shared between the two businesses that would operate from the site. This would result in the provision of a total of 11 on-site car parking spaces to serve the two uses.
- 6.39 The applicant has included the removal of the bollards that currently prevent vehicular access across the full site building frontage and a planning condition would be imposed to require the space to the front of the entire building to be available for use at all times by customers of both the retail unit and the car showroom.
- 6.40 In the consideration of the previous application, the provision of 6 spaces to serve the proposed retail use was considered inadequate given the context of the site on a main road where any build up of cars waiting to park at the site could potentially cause highway problems and given the lack of other parking opportunities elsewhere.
- 6.41 In relation to the current proposal, the Highways Authority is satisfied that on the basis of shared parking provision across the whole building frontage the parking provision proposed would be acceptable. This is notwithstanding the advice in the parking standard that where development would incorporate two or more land uses that the parking for both uses be considered. The parking requirement for the existing car showroom use, based on the car sales display area as advised by the parking standard would be for 18 spaces excluding staff parking.
- 6.42 Provision for cycle parking is indicated on the submitted layout plan and a planning condition could be imposed to require this to be implemented and for specific details of this to be submitted and agreed.
- 6.43 The applicant states that the servicing to the store would take place during the morning and that all delivery movements would be accommodated on the site and there is no Highway objection with regard to proposed servicing of the retail store.
- 6.44 Delivery vehicles would be able to pull onto the site frontage, clear of the highway. Whilst this would result in the temporary obstruction of some of the parking spaces to the front of the site this not considered to be objectionable and not dissimilar in this regard to the servicing arrangement approved at the new retail store currently occupied by Sainsbury's, located in West Street in Rochford.

SCHEDULE ITEM 6

- 6.45 The applicant states that refuse storage would be contained within the store and there is in any case little space within the site to accommodate refuse storage externally within the application site edged red. A condition would, however, be imposed to prevent the external storage of waste which may give rise to loss of amenity to adjoining residential properties.

CONCLUSION

- 6.46 With regard to all material planning considerations, not least the advice of the Highways Authority, the proposed use of part of the existing car show room building for an independent retail use is considered to be acceptable.

RECOMMENDATION

- 6.47 It is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4b – Time Limits
 - 2 SC15 – Materials to Match
 - 3 The parking spaces within both the land edged red and within the land edged blue shown in a hatched area on the approved plan drawing number 1901/11E shall be available for use at all times by customers of both the retail unit and the car showroom.
 - 4 Prior to the store opening, the parking layout, as shown on the submitted drawing 1901/11E shall be marked out on the ground and suitably signed and shall remain so in perpetuity.
 - 5 Prior to the store opening the new dropped kerb vehicular crossing shown on the approved plan drawing number 1901/11E shall be constructed and the existing access adjacent the boundary to No. 245 Eastwood Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing to the satisfaction of the Highway Authority.
 - 6 Before the use commences (the building envelope) (specified area of building) shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the LPA. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

SCHEDULE ITEM 6

- 7 Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the LPA before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 8 Prior to installation, details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the LPA. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 9 No waste material shall be stored outside the building hereby approved for retail use unless details of waste storage are submitted to and agreed in writing by the Local Planning Authority. If agreed, any external waste storage shall be stored in accordance with the details agreed.
- 10 The use of the site hereby permitted, shall not open to customers outside the hours of 0700 and 2300 hours on any day.
- 11 The existing windows and door in the rear elevation shall be infilled as indicated on the approved plan drawing number 1901/PL14 prior to the retail use hereby permitted being opened to the public and the window in the rear elevation, which would not be infilled shall remain in obscure glass. No fenestration shall be inserted into either the rear or side elevation of that part of the building in which the retail use hereby permitted will operate other than those shown on the approved plan drawing number 1901/PL14.

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

EB2, EB6, SAT1, SAT2, SAT8 Rochford District Replacement Local Plan

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Statement 13: Transport

Parking Standards Design and Good Practice Supplementary Planning Document (Adopted December 2010)

SCHEDULE ITEM 6

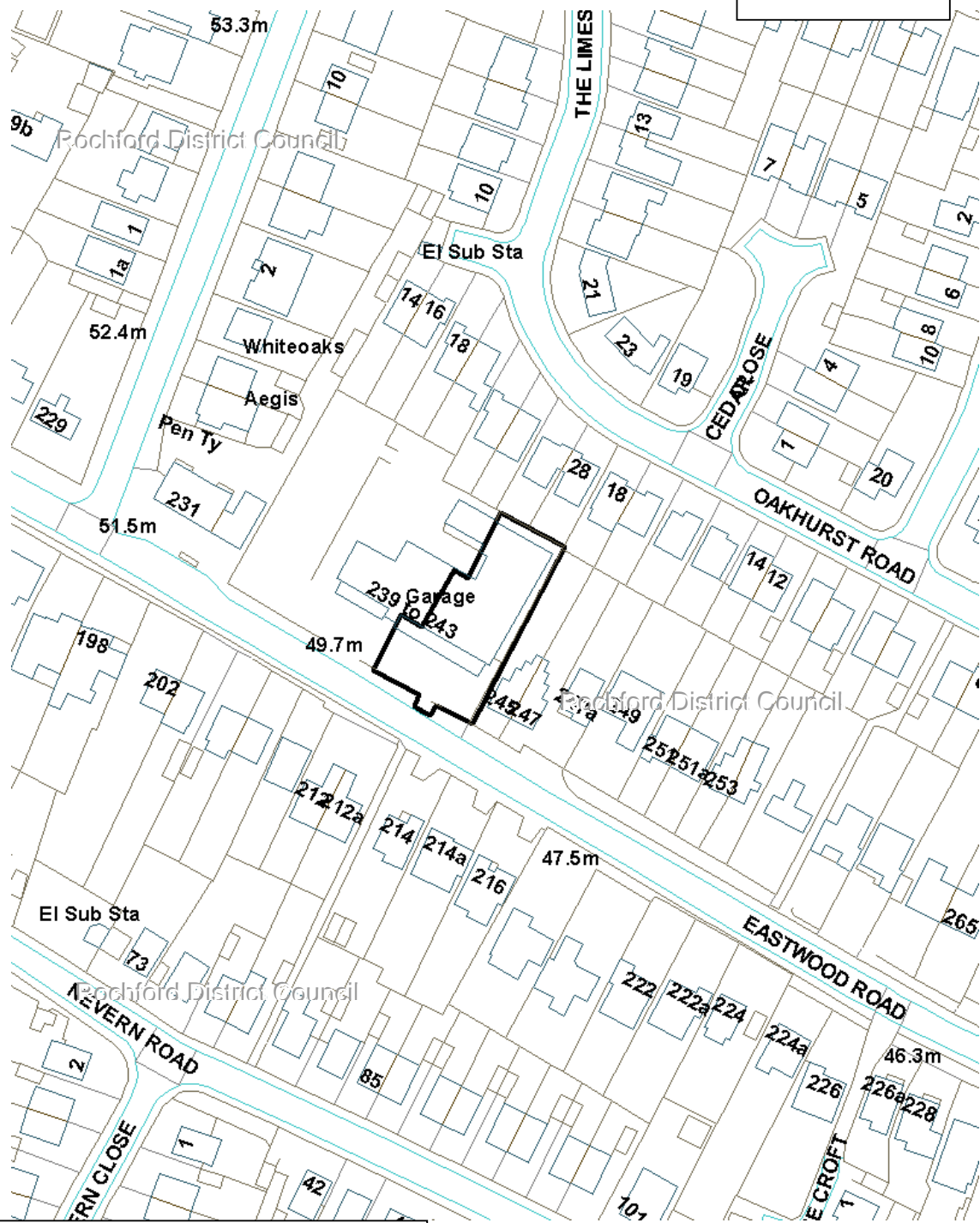
A handwritten signature in black ink, appearing to read "Shaun Scrutton". The signature is written in a cursive style with a horizontal line extending from the end.

Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 6

11/00085/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



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.