



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT CONTROL COMMITTEE - 23 June 2009**

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 – 546366.



Ward Members for Committee Items

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

SWEYNE PARK

Cllr Mrs J Dillnut

Cllr Mrs J A Mockford

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

SCHEDULE ITEMS

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| 1 | 09/00148/FUL
Demolish Existing Building and Construct Two Storey Building Comprising 50 Bed Residential Care Home with Access, Parking and Amenity Areas (Revised Application following 08/00834/FUL)
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Demolish Existing Buildings and Erect Four Storey Office Block With Associated Parking and New Access.
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| 3 | 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).
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**TITLE: 09/00148/FUL
DEMOLISH EXISTING BUILDING AND CONSTRUCT TWO
STOREY BUILDING COMPRISING 50 BED RESIDENTIAL
CARE HOME WITH ACCESS, PARKING AND AMENITY
AREA (REVISED APPLICATION FOLLOWING 08/00834/FUL)
247 LONDON ROAD RAYLEIGH**

APPLICANT: A.D.C LTD

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: SWEYNE PARK

PLANNING APPLICATION DETAILS

- 1.1 This application is to a site on the southern side of London Road situated between Louis Drive West and Little Wheatley Chase. The existing buildings on the site comprise of a forecourt canopy and a two storey flat roofed building located in the central area of the site in use as offices and workshops and a car wash facility. The remainder of the site is predominantly hard surfaced and used to display cars for sale.
- 1.2 Louis Drive West comprises of predominantly semi detached bungalows, some with noticeable roof conversions. The site is also adjoined to the east by the rear of dwellings on Little Wheatley Chase. There is a mixture of dwelling types on Little Wheatley Chase comprising bungalows and chalets, although it is only chalets that adjoin the site.
- 1.3 London Road consists of predominantly two storey properties. This part of the northern end of London Road is fairly uniform in the design and scale of properties. A mix of bungalows and houses is evident. There is a petrol station and scout hut directly opposite the site.
- 1.4 Planning permission is sought to demolish the existing building and construct a two storey building comprising a 50 bed residential care home with access, parking and amenity areas. This application is a revised scheme to that previously refused under reference 08/00834/FUL.

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- 1.5 The current application has been the subject of revision to reduce the roof height and pitches, provided further articulation in the detailed treatment to the elevations with brick coursing and ventilator chimneys, attention to the detail of the entrance, together with additional planting to the site boundaries and all in response to the earlier comments and objections made by the County Council's specialist Urban Design team. These revisions are the subject of further consultation with Rayleigh Town Council and notification with residents until 11 June.

RELEVANT PLANNING HISTORY

- 1.6 **Application No. 06/01005/FUL** – Demolish existing buildings and construct part two storey part three storey building comprising 16 no. two-bedroomed and 2 no. three-bedroomed flats, access and parking areas. Planning permission was refused on 13 February 2007 and dismissed on appeal on 14 September 2007.
- 1.7 **Application No. 08/00834/FUL** – Demolish existing building and construct a two storey building comprising 50 bedroomed residential care home with access, parking and amenity areas. Planning permission was refused on 20 January 2009 for the following reasons:-
1. The proposal by way of the overall design is considered to be unacceptable and not sympathetically designed to the Traditional Essex vernacular as demonstrated with the Essex Design Guide. The overall bulk of the development and large expanse of flat roof is considered excessive and not in character with the surrounding area. The scheme is considered to result in a poor design viewed from both the principal aspects on to London Road and Louis Drive West to the detriment of the appearance of the street scene. If allowed the development would result in a scheme of undesirable appearance in a prominent location, to the detriment of the visual amenity, character and appearance of the established street scene and contrary to Policy HP6 part viii to x of the Rochford District Replacement Local Plan (2006).
 2. The proposal, by way of an allocated parking space for the development on the driveway of no. 131 Louis Drive West, is considered unacceptable. If allowed, this arrangement would result in there being no accessible parking for the property at no. 131 Louis Drive West, contrary to Policy TP8 of the Rochford District Replacement Local Plan (2006).

CONSULTATIONS AND REPRESENTATIONS

- 1.8 **Essex County Council Highways and Transportation:** No objections, subject to the following conditions being added to any grant of consent:-
- 1) 2.4m x site maximum visibility splay
 - 2) 2)1.5m x 1.5m pedestrian visibility splay

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- 3) Site for the parking of operatives' vehicles
- 4) Wheel cleansing
- 5) Parking area constructed and completed on bound materials
- 6) Existing vehicular crossing (Louis Drive West) shall be upgraded to current specifications
- 7) Existing vehicular footway crossing (London Road) shall be removed and reinstated as a footway with full upstand kerbs.

- 1.9 **Essex County Council Specialist Advice on Urban Design**
Response to first round consultation: The applicant's agent has been in touch with the Urban Design Team of the County Council's Built Environment Branch and has attended two meetings at County Hall to discuss the developing proposals. The principles underlying the design have been discussed and the revised scheme has generally followed the suggested Essex Design Guide approach in respect of building forms, etc. The overall form and the basic elevational treatments are heading in the right direction; however, there are a number of block-form issues and architectural details that would need to be satisfactorily resolved.
- 1.10 There is concern that the apparent bulk of parts of the scheme has increased, as compared with the interim scheme tabled on 3 March, eg, the height of the main roof over units 33-35 and the main roof over units 50, 23-24. The roof over units 33-35 could be at a lower pitch (and slate-covered) to reduce the height of the ridge line; with brickwork, rather than hipped gables, to help visually separate this element on the east elevation.
- 1.11 The least successful elevation is the south elevation which, although it does not directly front a road, is important as it includes the main entrance to the care home. In particular, the gable projection containing the entrance door is visually weak; the pair of first floor windows creates a visual duality which should be avoided, if possible. In this instance the solution may be to use a properly detailed 'classical' flat-roof projecting canopy - leaving space for two pairs of centrally located windows at first floor and this element may then work better visually with a hipped roof. I think the scheme's designer accepts that there is some room for improvement in this area and may be able to suggest an alternative solution.
- 1.12 There may be operational reasons that would prevent additional access points being provided beyond those indicated but there are a number of units, and particularly the communal lounge, which would benefit from direct access to the garden area on the road periphery of the site. This would also help to provide a more active frontage to the scheme.
- 1.13 Window details (ie, inset, lintel, cills) need to be tailored to suit the external facing material of the wall within which the window is set rather than using a standard solution throughout, as shown on the submitted drawings. Pages 105-106 of the Essex Design Guide (2005) give some guidance on the treatment of windows within different wall materials.

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Modern methods of construction mean that it is technically possible to engineer the juxtaposition of most materials but this can produce uncomfortable results. Such considerations also affect the position of the window in relation to the wall plane: the solidity of brickwork, for example, should be expressed by inseting windows within openings by at least half a brick in order to give the right degree of three dimensional modelling.

- 1.14 Open soffit eaves are preferable to boxed eaves as the latter produces a clumsy appearance. Page 106 of the Design Guide covers this point and gives examples of possible design solutions. The quality of a scheme of this nature can be compromised if the architectural details of the buildings are not dealt with properly.
- 1.15 Overall, the scheme would benefit from the re-introduction of the brick string-courses seen on earlier schemes and the introduction of chimneys and/or feature (ventilation) turrets (as seen on the original submission) to add roofline interest.
- 1.16 Some of the above comments do not affect the substance of the proposal and if you are minded to approve the application you may consider that such matters can be dealt with by means of appropriate planning conditions.
- 1.17 **Essex County Council Specialist advice on Urban Design**
Response to second round consultation: Unfortunately, there are a number of inconsistencies between the different elevations and between elevations and the roof plan. It is difficult to comment on a scheme that is not properly worked out and which offers alternative interpretations for certain aspects of the scheme. Listed below are the main inconsistencies identified:-
1. The ground floor gabled feature on the western elevation of the kitchen/lounge does not appear on the north and south elevations nor on the roof plan, although it appears, double the size, on the first floor plan.
 2. The gable feature over the window of unit 27 is not shown on the roof plan.
 3. The position of the turret over unit 23 is not consistent between east and west elevations.
 4. The position of the turret over the entrance gable is not consistent between the south and west elevations and does not appear on the roof plan.
 5. A gabled projection to units 39 and 40 is shown on the roof plan but not on the elevations.
 6. The roof heights and shapes shown on the east elevation are not consistent with those shown on the roof plan, ie, note the different lengths of the ridge line above units 33-35 (the turret of which is missing from the roof plan) and the heights of the other ridges of the roofs running parallel with Louis Drive differ from those implied by the roof plan.
 7. The roofing shown at the northern end of the east elevation is not consistent with the details shown on the northern elevation (different ridge heights, parapet wall, etc).

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8. The height of the roof of the main north-south block (over units 45-47, 23, 24 & 50) differs between what the north/south elevations show and what is shown on the east/west elevations.
 9. The roof plan does not work in a number of places, eg, over the entrance block where a lower eaves line is proposed, at the junction of roofs above units 42/43 and above units 34/35.
- 1.18 Some of the inconsistencies relate to fundamental issues such as the heights of roofs and clearly these would need to be resolved prior to any approval being considered. Whilst reiterating the difficulty of commenting upon an inconsistent scheme I would make the following observations on the revised drawings:-
- 1.19 It is not considered that the gable feature on the ground floor kitchen/lounge block (note 1 above) is necessary.
- 1.20 Entrance block: Welcome the alteration that would centralise the windows above the entrance, as suggested, but it remains my view that this would work better visually if a flat canopy were to be used, which would allow deeper first-floor windows to be used to help make the entrance a more distinctive feature.
- 1.21 If the gabled feature is proposed (note 5 above), it is not required; this elevation does not require any embellishment.
- 1.22 There are now 4 ventilation turrets proposed in positions varying according to which drawing is used. These do not all relate satisfactorily to the scheme. Only two had been shown on the original submission and I suggest that the proposals be simplified by using only one related to the entrance block and another as indicated centrally on the southern elevation, if ventilation turrets are a technical necessity.
- 1.23 The block on the corner of London Road and Louis Drive originally had a pyramid roof which should be reinstated in this location as this roof form is visually more appropriate in a corner location.
- 1.24 The provision of ground floor fenestration to the pair of projecting gables on the south elevation has been discussed. Accepting the difficulties of combining windows in appropriate positions in the stairway, the possibility of incorporating recessed brickwork to form 'blind' windows should be considered in this location, together with the adjoining blank flank wall facing Louis Drive.
- 1.25 The overall result at this stage is a little disappointing and the quality of the final product will to some extent hinge on getting the details right. In this respect I note that details relating to eaves, windows and window arches mentioned in my earlier response have not been fully addressed. You may consider that these matters can be covered adequately by appropriate planning conditions.

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- 1.26 **Engineers:** No objections/public foul sewer through the site. Capacity of surface water sewer needs to be checked with Anglian Water.
- 1.27 **Head of Environmental Services:** The Head of Environmental Services reports that the site is known to have been used as a petrol filling/service station from the 1960's until 1987 when petrol sales ceased. Essex County Council Trading Standards confirm their records show that the underground fuel tanks were de-commissioned to their satisfaction by being filled with concrete slurry on 11 August 1987.
- 1.28 The applicant has submitted Phase 1 and Phase 2 contaminated land reports in support of the application. The recommendations contained within the latter report state that "no significant sources of ground contamination were identified at the site and therefore there are no specific requirements for remediation at this stage". However, the report acknowledges that it will be necessary to remove and dispose of the de-commissioned underground tanks and pipe work, together with any contaminated soils, in order to facilitate the development.
- 1.29 Should Members be minded to approve the application, the following conditions should be attached to any consent granted:-
1. Prior to the commencement of development other than that required to carry out remediation, the six, de-commissioned, underground fuel storage tanks and associated pipe work, together with all identified contaminated soils, shall be excavated and removed from the site for disposal. Soil samples shall then be taken from the excavations and submitted to an approved laboratory for analysis. A copy of the analysis report, together with a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out, shall be submitted to and approved in writing with the Local Planning Authority.
 2. In the event that contamination is found at any time when carrying out the approved development other than that identified within Condition (), it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing with the Local Planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
 3. Any soils imported for use within soft areas of the site shall be obtained from a single source. A minimum of two random samples shall be taken from every 15m³ of this imported soil and submitted to an approved laboratory for analysis. The analytical suite must include a minimum of metals, speciated PAH (Polycyclic Aromatic Hydrocarbons), total TPH (Total Petroleum Hydrocarbons) and pH.

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A copy of the analysis report shall be submitted to the Local Planning Authority prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing.

4. Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed copy of the Validation Certificate, as detailed in Appendix 3 of the Essex Contaminated Land Consortium' Land Affected by Contamination: Technical Guidance for Applicants and Developers.

1.30 **Woodlands (ecological):** No concerns.

1.31 **Woodlands (Trees):** The tree report provides details of trees that should be retained or removed. In this instance the arboricultural consultant has identified 2 category B trees that should be retained. The remaining trees have been categorised as C and R and therefore can be removed, providing suitable replacement planting is provided. At present the development plans show all trees to be removed with very limited, poorly designed replacement planting.

1.32 Would recommend that further detail be provided clearly identifying trees to be removed/retained and more detail concerning replacement tree planting, such as locations, species choice, dimensions, planting method statement and after care.

1.33 **Environment Agency:** Consider controlled waters at this site are of low environmental sensitivity with respect to the level of contaminants detected during the investigation. It is preferable for underground fuel storage tanks and associated fuel lines to be removed, together with any significantly contaminated soils in the immediate vicinity that are identified. The following condition should be appended to any planning permission granted:-

- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development does not cause pollution of controlled waters and that development complies with approved details in the interests of protection of controlled waters.

1.34 **Anglian Water:** The applicant will have to make a request to us under the appropriate section of the Water Industry Act for water provision and waste water infrastructure to the development.

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1.35 First Round of Public Notification

Seventeen letters have been received in response to the public notification, which make, in the main, the following comments and objections:-

- Numbers of bedrooms in the care home are disproportionate to the size of the site and the infrastructure amenities
- Parking problems likely – insufficient number of spaces proposed
- Deliveries and refuse collection will be a problem on such a busy corner and could impact on traffic flow
- Noise arising from deliveries and collections
- In principle the idea of a care home is excellent but can the infrastructure support this?
- Strongly object to the entrance to car park on Louis Drive West
- Totally against existing buildings and will be completely out of character with surrounding areas
- Side walls unsightly for the bungalows at the beginning of Little Wheatley Chase
- Refuse could increase rat population
- Do not object to the development of the site but feel this proposal is over-development
- Care home not appropriate on such a busy road
- Water and waste systems cannot cope with a development of this size.
- Where will visitors park?
- If the development goes ahead all the residents of Louis Drive West will have their lives blighted and endure months of upheaval
- Development is over ambitious and should be scaled down
- Very little change from the previous application
- Development is incongruous on a bungalow estate
- Will there be a problem with contaminated ground?
- Cooking smells from the kitchen will be a problem
- Weatherboarding will prove detrimental to the visual amenity afforded to the street scene
- Number of large vehicles required to service the home will cause excessive noise to residents and damage the roads
- Would create an intolerable, possibly unsafe, environment.

Second Round of Public Notification

1.36 Four letters have so far been received and which make the following comments and objections:-

- Building far too large in a narrow road
- Extra traffic, particularly at this point at the top of the road
- Changes do not alter previous objections, which still stand
- Not against re-development, but merely the scale of this proposal
- Consider the views of residents that have written to oppose the applications as they stand are being ignored

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- The Council is not asking the developers to amend their proposals in any radical way and they keep coming back with small amendments perhaps feeling if they carry on long enough those that are opposing the plans will lose interest.
- Have experience of running a hotel and can advise that there is a constant flow of larger delivery vehicles with drivers running to a tight schedule who do not have time to park to suit residents
- The kitchens will start work early giving noise and smell continuously throughout the day
- Visitors' traffic will be a problem especially at weekends when parking will be difficult
- Site close to busy corner with petrol station/convenience store opposite and school nearby, all leading to detrimental impact on residents
- Residential care home is little more than a residential hotel
- Will be completely out of character with surrounding area and out of place against local bungalows with unsightly side walls
- Will dramatically reduce light to neighbouring properties
- 50 bedroom property sounds a huge prospect for this size of land
- Communal refuse bins will add to existing rat problem
- Proposal will not enhance the area.

1.37 Comments in support:-

- Would look tidier than all the second hand cars.

MATERIAL PLANNING CONSIDERATIONS

- 1.38 This application follows two previously refused applications (06/01105/FUL and 08/00834/FUL). Application 06/01005/FUL proposed to construct a part two storey part three storey building comprising of 16 no. two-bedroomed and 2 no. three-bedroomed flats, with access and parking. This application was refused by the Council and was subsequently dismissed on appeal. The main objections from the Council in relation to this development were the lack of parking, the proximity of the car park to the adjoining residential properties of no. 3, 5 and 7 Little Wheatley Chase and 129 and 131 Louis Drive West. The development was considered to raise issues of overlooking and the possibility of a contamination risk. The Council also objected to the bulk, scale and poor design of the development, especially in this prominent location.
- 1.39 The Inspector's decision confirmed that the development was an overbearing and dominant building in bulk and scale, especially with its closeness to No. 1 and No. 3 Little Wheatley Chase. The Inspector also agreed with the Council that the parking layout would have an adverse impact upon the adjoining residential properties. The Inspector, however, disagreed with the Council that there were insufficient parking spaces and also stated that the degree of overlooking would be within acceptable bounds in accordance with the Essex Design Guide.

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- 1.40 Application 08/00834/FUL was an application for a 50 bed residential care home for the elderly. This application was refused on the basis of the overall design and a parking space for the care home being located on the driveway of no. 131 Louis Drive West.
- 1.41 The current application has evolved from the previous proposals. The site is allocated as existing residential development in the Council's adopted Local Plan (2006) and there is therefore no objection to the principle of the use or development, but the challenge concerns the acceptability of the overall design and detail of the current application.

Care Home Standards

- 1.42 Care home standards are set by the Commission for Social Care Inspection (CSCI). The Commission registers people who want to run care homes and check regularly to ensure they are meeting legal requirements. The CSCI inspects adult social care services against national minimum standards set by the Government.
- 1.43 Under section 23 (10) of the Care Standards Act 2000 a statement of national minimum standards were published in 2003. This is entitled 'Care Homes for Older People, National Minimum Standards and The Care Homes Regulations 2001'.
- 1.44 The 36 standards within this document and the regulatory framework within which they operate should be viewed in the context of the Government's overall policy objectives for older people. These are core standards that apply to all care homes providing accommodation and nursing or personal care for older people.

Design Considerations

- 1.45 The previous application was refused as it was considered that the development was not designed to the traditional Essex vernacular, as demonstrated within the Essex Design Guide. The overall bulk of the development and the large expanse of flat roof was considered excessive. The scheme was also considered to result in a poor design, as viewed from both the principal aspects onto London Road and Louis Drive West. It was felt that the design of this development on a prominent location was undesirable.
- 1.46 This subsequent application has somewhat noticeably changed the appearance of the development; the expanse of flat roof has been considerably reduced and overall the development presents a much more visually appealing and interesting building, as viewed from the street scene.
- 1.47 The frontages to London Road and Louis Drive West were a cause for concern within the previous application. London Road and Louis Drive West are the main frontages of the development on this prominent location.

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As such, the visual appearance to the street scene from these elevations is considered a material issue. It is considered that this subsequent application has greatly improved the visual appearance of the development, as viewed from the street scene.

- 1.48 The western elevation, although visible from the street scene if travelling east along London Road, will be concealed to a large degree behind properties no. 1 and 3 Little Wheatley Chase. This elevation lacks a visually appealing appearance with large expanses of plain wall; however, it serves its purpose in terms of protecting and respecting the amenities of the residents of Little Wheatley Chase. This elevation is not considered to be a main frontage of the development and, as such, its somewhat lacklustre design is not considered objectionable.
- 1.49 The southern elevation faces into the site and as such will not be a dominant frontage, as viewed from the street scene. This elevation has been significantly improved; the large expanse of flank wall has been altered to incorporate a staggered formation and fenestration has been introduced, giving the elevation a much softer appearance. The entrance doorway now has a greater visual emphasis and highlights a distinct entrance to the building.
- 1.50 In comparison to the previous application it is considered that particular attention has been sought to improving the development incorporating the standards set out within the Essex Design Guide. In particular, attention has been paid to the fenestration, including introducing lintels and cills and reducing the number of windows to only one per gable end. Comments received on the previous application suggested that pairs of windows to gable ends created an uncomfortable visual duality, which is not considered traditional.
- 1.51 The roof vents have been retained, which add visual interest to the roof line, furthermore brick/ string courses have also been introduced. The roof pitches have also been made steeper, more in keeping with the traditional Essex roof scape.
- 1.52 The proposed building would have an overall height varying between 8.65m and 7.35m between varied roof lines. The overall scale of the building would be to a modest height in comparison with the houses beyond but, importantly, would be of an overall form suited to the prominence of the site at the end of the urban edge of Rayleigh and on a main road location.
- 1.53 The current revised plans regrettably show a number of inconsistencies set out in detail by the County Council's urban designer. Some of these may cause a variation in overall height by 0.45m. There are omissions of features such as gables and the incorrect position of the roof turret vents. Other suggestions such as the preference for a flat roofed entrance canopy and eaves details do not materially alter the overall scale and concept.

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To be confident in the quality of this design it is, however, desirable to see these details corrected and consistently shown. This can be addressed by the submission of further revised plans rather than the consideration of these details as a matter of a condition, as favoured by the County Council's Urban Designer. As such, officers consider that the current application can be recommended for approval.

Parking - Car Park Location and Layout

- 1.54 A car park is located to the south of the site, providing off street parking spaces for 15 cars.
- 1.55 The Local Plan specifies the need for a residential care home to have 1 space per resident staff and 1 space per 3 bed spaces. This development should therefore provide 16/17 car parking spaces and further spaces for staff. The number of staff is unknown. The national standard requires the ratio of staff to service users to be determined according to the assessed needs of the residents.
- 1.56 The number of proposed car parking spaces for this development is therefore slightly below the Local Plan specifications. Nor are there identified spaces for staff, visitors or the emergency services. However, it is considered that this specific use as an elderly care home is unlikely to demand high levels of car ownership. The main users of the car park are therefore likely to be staff and visitors. No objections were raised from the consultation with Essex County Highways.
- 1.57 The Inspector in the appeal decision for application 06/01005/FUL decided that a lack of 7 spaces for a residential development would not result in a radical change to road conditions in the area and there was no evidence that the proposed development would have an adverse effect on highway safety and the free flow of traffic. It is not considered that the lack of 1 or 2 spaces for a care home use would be unacceptable or give rise to unreasonable levels of displaced cars parking on the surrounding highway, impeding the free flow of traffic.
- 1.58 PPG13 emphasises the need to promote sustainable modes of transport, ie, the use of public transport, wherever possible. The site lies approximately 2km from Rayleigh town centre and approximately 1 mile (1.6km) from Rayleigh Railway Station. Little Wheatley Chase is served by a twice hourly bus service, however there is a limited service in the evenings and on Sundays. It is considered that this site is well serviced by public transport and as such the site is highly accessible.
- 1.59 London Road provides easy access by car to the A130 and the A12 and routes into Southend and Wickford.

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- 1.60 The location of the car park is, as with the previous application, within close proximity to the adjoining residential properties of no. 5 and 7 Little Wheatley Chase and no. 131 and 129 Louis Drive West. This current application changes the car parking layout and, as such, increases the distances of parking bays from the boundary with no. 129. No parking bays will be located directly adjacent to this shared boundary, it is therefore considered that this is an improved arrangement with respect to the amenities of the residents of no. 129. The layout does, however, re-introduce parking along the western elevation that was proposed within the 2006 application. The Inspector concluded that this arrangement would have an adverse impact upon no. 5 and 7 Little Wheatley Chase because of the increased range of hours within which movement of vehicles would take place on the site in comparison to the existing use on the site. It is possible that such an arrangement could result in a detrimental effect upon the amenities of these residents by way of disturbance and nuisance from lights, noise and fumes.
- 1.61 Despite this it is considered that the vehicle movements and level of car ownership is not likely to be so significant for the use proposed. It is unlikely the residents to this care home will, if they own a car, use it as frequently or at unsociable times of the day as would reasonably be expected if the proposal was a residential development. The space allocated for the car park within this development is currently being used as a car park for the existing use, running along the boundary with the garden of no. 131 and the rear boundaries with no. 5 and 7 Little Wheatley Chase.
- 1.62 It is considered that the use of the proposed car park, given the use of the building, is not likely to give rise to unreasonable detrimental effects upon the amenities to those residents in no. 129 and 131 Louis Drive West and no. 7 Little Wheatley Chase, nor is it likely to change materially from what is existing.
- 1.63 It is considered unlikely that the proposed use will give rise to unreasonable or material levels of traffic generation and movements within the surrounding area, in contrast to the current use on the site.
- 1.64 No. 131 Louis Drive West is identified as part of the site and the design and access statement details that the dwelling is to be kept so that it forms a buffer to no. 129 from the proposed parking and refuse area. No further details are provided as to whether this existing dwelling will remain as residential use or will be occupied. For the purposes of this application it is assumed that the bungalow will remain in residential use. Car park spaces 1-5 effectively surround the garden of no. 131, as such it is likely noise and disturbance may be an issue. Notwithstanding this, the rear garden of no. 131 is already immediately adjacent to the car park of the existing use and as such no increase in the levels of disturbance is considered likely to occur which would unreasonably impact upon the amenities of the residents or future residents of this property.

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- 1.65 Pedestrian access from Louis Drive West is provided into the site, which makes the site more accessible for those travelling to the site via public transport.

Impact to Neighbouring Residential Properties

- 1.66 Development on this site will undoubtedly introduce a more dominant presence to immediately adjoining neighbours.
- 1.67 No doubt surrounding occupiers would feel more overlooked than at present. It is evident within the design of the building that attention has been made to reduce overlooking and loss of privacy to adjoining neighbours. The western elevation facing onto the rear gardens of properties in Little Wheatley Chase is part single storey and part two storey so as to reduce bulk and this elevation does not have any windows at ground level or first floor that would unreasonably overlook. Windows looking directly to the rear of the properties in Little Wheatley Chase are situated at least 21m from the shared boundary. It is considered that the degree of overlooking is acceptable and is unlikely to give rise to detrimental levels of overlooking harmful to residential amenity.
- 1.68 It is not considered that the use of the building will give rise to unreasonable levels of noise or disturbance or result in a material increase in the activity on the site with regard to traffic movements or visitors, which would unreasonably harm the amenities of the surrounding neighbours to a detrimental degree.
- 1.69 Neighbours have raised concerns about the kitchen being located close to the boundary with the properties 1 and 3 Little Wheatley Chase. It is suggested by neighbours that cooking smells and cigarette smoke may be an issue. It is considered that it is unlikely that this kitchen will give rise to smells and nuisance that will unreasonably impact upon the amenities of the residents of the neighbouring properties such as to justify refusing the application. Environmental Health would oversee the functioning of the kitchens, maintaining satisfactory ventilation systems.

Landscaping

- 1.70 The site is proposed to be well landscaped, as indicated on the submitted plans, including vegetation and fencing. Landscaping is an important aspect of visual design and is integral to the overall design of the development. To ensure that this is such it is considered necessary to condition landscaping to be agreed on any grant of consent.

Private Amenity Area

- 1.71 The development incorporates an outside amenity space in two parts divided by the car parking area at the rear of the proposed building. Adjoining the communal lounge is an area of some 137 square metres.

SCHEDULE ITEM 1

To the far side of the car park and adjoining the garden to the neighbouring bungalow is a further area of 75 square metres. The private area to the rear of the building is considered sufficient for the use of the site and the residents likely to occupy this care home. The amenity space is contained by vegetation on all sides and is easily accessible from the communal lounge.

- 1.72 Amenity space is also indicated to the front elevation of the building directly fronting London Road which would vary in width between 3.3m – 4.7m varied and a more narrow, less useful area fronting Louis Drive West at between 1.1m – 2.8m in width. Although it would be possible for residents to use this space it is considered that, due to the location of the site on the busy London Road, this space is unlikely to provide a satisfactory private amenity area. Nonetheless this space, adequately landscaped, will provide a soft landscaping feature to the front elevations of the building that front the street.

Contamination

- 1.73 Due to the previous use of the site as a petrol station, large tanks are situated below ground to the north of the site. Consultation with Trading Standards has established that the tanks were filled with concrete slurry in 1987 and as such de-commission to a satisfactory degree. The Environment Agency concludes that the controlled waters are of a low environmental sensitivity, with regard to the levels of contaminants found during the investigation. It would be preferable, however, if the tanks were removed.
- 1.74 The Council's Head of Environmental Services does not have any objections to the development, but suggests a number of conditions should the application be granted consent. The conditions include the need for the fuel tanks to be removed from the site and soil samples to be taken and sent to a laboratory for analysis. Contamination should be reported to the Local Planning Authority and any imported soils should be tested. The Environmental Health Officer also suggests that prior to the occupation of the development a Certificate of Validation should be submitted to the Planning Authority so as to establish the removal of the fuel tanks.
- 1.75 It is considered therefore that contamination risk is considerably low and should not give rise to issues of contamination should this development proceed.

CONCLUSION

- 1.76 This application has been the subject of extensive discussions between the applicants and the Essex County Council specialist Urban Design Advisers and District officers and which has resulted in a building of acceptable design and form but with some errors, as presented at the time of writing this report, that are not material but affect the quality of the development and its appreciation in the context of the site surroundings.

SCHEDULE ITEM 1

The development, as now proposed, essentially overcomes the previous concerns of the Council and, subject to the resolution of those outstanding matters of detail, is now of an overall design that officers support.

RECOMMENDATION

- 1.77 Subject to the receipt of further revised plans to correct the inconsistency between elevations and taking into account the revised comments of the Essex County Council's specialist Urban Design advice it is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time Limits
 - 2 SC14 – Materials to be used (externally)
 - 3 SC23 – PD restricted – obscure glazing
 - 4 SC9 – Removal of building (prior to development)
 - 5 SC50 – Means of enclosure - Full
 - 6 SC59 – Landscaping design - Details
 - 7 SC64 – Visibility splays
 - 8 SC66 – Pedestrian visibility splays
 - 9 SC80 – Car Parking Provision
 - 10 Prior to the commencement of development other than that required to carry out remediation, the six de-commissioned, underground fuel storage tanks and associated pipe works, together with all identified contaminated soils, shall be excavated and removed from the site for disposal. Soil samples shall then be taken from the excavations and submitted to an approved laboratory for analysis. A copy of the analysis report, together with a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out, shall be submitted to and approved in writing with the Local Planning Authority.
 - 11 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall be implemented in accordance with the remediation strategy as may be agreed by the Local Planning Authority.
 - 12 Any soils imported for use within soft areas of the site shall be obtained from a single source. A minimum of two random samples shall be taken from every 15m³ of this imported soil and submitted to an approved laboratory for analysis. The analytical suite must include a minimum of metals, speciated PAH, total TPH and pH. A copy of the analysis report shall be submitted to the Local Planning Authority prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing.

SCHEDULE ITEM 1

- 13 Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed copy of the Validation Certificate, as detailed in Appendix 3 of the Essex Contaminated Land Consortium' Land Affected by Contamination: Technical Guidance for Applicants and Developers.
- 14 The development hereby permitted shall only be used as a care home for the elderly and for no other purpose, including any use otherwise permitted within class C2 of the Schedule to the Town and Country Planning (use classes) Order 1987 (Including any Order revoking or re-enacting that, with or without modification) or such uses ordinarily incidental to the use hereby permitted.
- 15 Prior to the commencement of the development the applicant shall submit in writing to the Local Planning Authority the provision of an area within the site to be provided for the parking of operatives' vehicles and for the reception and storage of building materials to be provided for the duration of the demolition, site clearance and the construction period and clear of the limits of the highway. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 16 Prior to the commencement of the development the applicant shall submit in writing to the Local Planning Authority the means by which the wheels of vehicles leaving the site for the duration of the demolition, site clearance and construction period shall be cleansed. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 17 Prior to the beneficial use of the development commencing the parking area to serve the development shall be constructed and completed in bound materials.
- 18 Prior to the beneficial use of the development commencing the existing vehicular crossing (onto Louis Drive West) shall be upgraded to current specifications, details of which shall be first submitted to and agreed in writing by the Essex County Council Highways and Transportation Area Manager South.
- 19 Prior to the beneficial use of the development commencing the existing vehicular footway crossings (onto London Road) shall be removed and reinstated as footway with full upstand kerbs.

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.

SCHEDULE ITEM 1

Relevant Development Plan Policies and Proposals

Rochford District Replacement Local Plan (Adopted 16 June 2006)
HP6

Supplementary Planning Document 2 Housing Design (January 2007)
Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)

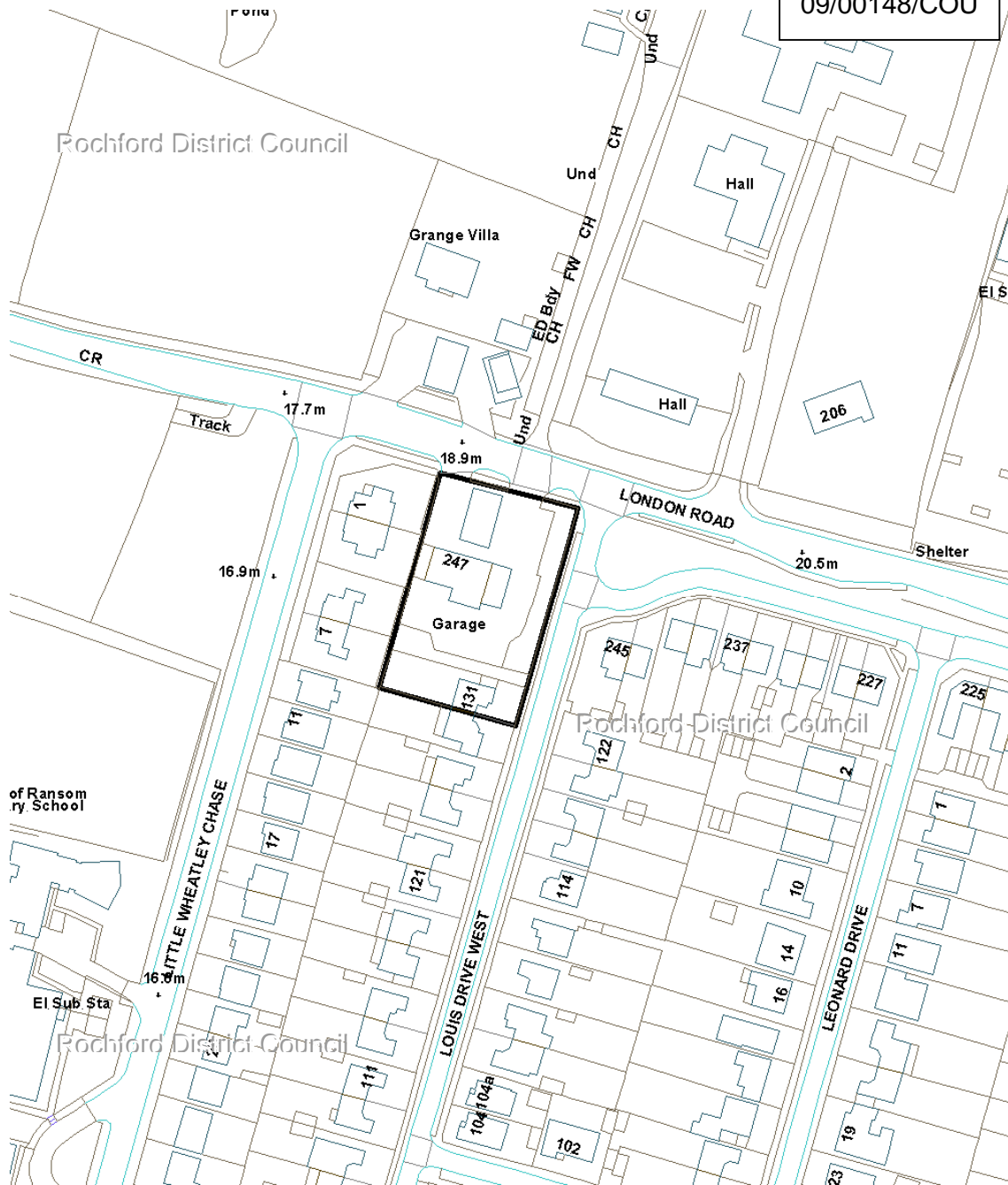


Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 1

09/00148/COU



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SCHEDULE ITEM 2

**TITLE: 09/00169/OUT
DEMOLISH EXISTING BUILDINGS AND ERECT FOUR
STOREY OFFICE BLOCK WITH ASSOCIATED PARKING
AND NEW ACCESS
32 BROOK ROAD, RAYLEIGH**

APPLICANT: NETWORK CONSTRUCTION LTD

ZONING: EMPLOYMENT LAND

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHITEHOUSE

PLANNING APPLICATION DETAILS

- 2.1 This proposal is an outline application for the construction of a four storey building for B1(a) office use. All matters save for landscaping are to be considered.
- 2.2 This application follows the approval for a smaller office block for the same applicant in 2004/05, (see planning history below).
- 2.3 The office block is to be occupied by 'Network Construction', a main contractor to Network Rail who own and maintain the British Railway infrastructure. The proposed building will be their flagship regional office.
- 2.4 The proposed building is a contemporary four storey building incorporating an angular glass atrium and alternate offset floors with external balcony areas at the upper floors and undercroft parking at ground level. The front of the building and entrance atrium addresses the main road frontage onto Brook Road.
- 2.5 In terms of vehicle parking the scheme proposes 4 motorcycle spaces, 20 secure cycle bays and 50 off-street parking spaces (parking density of 66% of policy standard).
- 2.6 The application is accompanied by a number of reports; the main issues arising from these reports are summarised below:-
- **Ecological Report:** the proposed development area has no conservation value, it has extremely low biodiversity and no ecological potential.

SCHEDULE ITEM 2

- **Green Travel Plan:** the aim of travel plans, as outlined by Government guidelines, is to provide a means of reducing reliance on staff single-occupancy car use and encouraging the use of alternative forms of travel. This report identifies the existing modes of transport available in the locality and recommends that through the use of promotional material by the user of the building there may be an increase in staff walking, cycling, car sharing or taking public transport to work. This may reduce the reliance on the use of the private motor car for single occupancy trips and this in turn may reduce the pressure for the provision of off-street parking at the site.
- **Design and Access Statement:** This comments that the contemporary building would provide an excellent design solution for the site, surrounding area and with an energy efficient building providing cost savings to the end user.

POLICY CONTEXT

- 2.7 The site is located within the Brook Road industrial estate, which is allocated primarily for industrial uses and as such falls to be considered against Local Plan Policy EB1. This policy recommends that uses falling within use classes B1, B2 and B8 are considered appropriate uses for areas designated primarily as industrial zones.
- 2.8 Notwithstanding the planning policy context, the re-development of the site for B1 (a) office use has previously been accepted by the Council (see planning history). This application has been submitted by the same applicant as the previous approved schemes, but now seeks approval for additional floor space in order to cater for any potential growth in the company.

RELEVANT PLANNING HISTORY

- | | | |
|------|--------------|--|
| 2.9 | 03/1035/OUT | Outline application for the construction of a three storey building, ground floor mixed use office/storage and distribution, upper floors (B1) office use. WITHDRAWN |
| 2.10 | 04/00620/OUT | Outline application for the construction of a three storey building for B1 office use. The application includes siting of the building and access. GRANTED |
| 2.11 | 05/00405/OUT | Reserved matters of the design and appearance and landscaping of application 04/00620/OUT PERMITTED |

SCHEDULE ITEM 2

CONSULTATIONS AND REPRESENTATIONS

- 2.12 **Rayleigh Town Council:** No objections.
- 2.13 **Essex Highways:** Objects as there does not appear to be sufficient parking to accommodate all vehicles likely to visit the site. Displaced vehicles would cause unnecessary conflict in Brook Road. The proposal would therefore be contrary to Policy 7 Appendix G Essex County Council Development Control Policies and Processes, as contained within the Essex Local Transport Plan 2006 -2011, which refers to the Essex Planning Officers Association Vehicle Parking Standards August 2001.
- 2.14 **Environmental Services:** Contamination condition attached to any approval.
- 2.15 **London Southend Airport:** No safeguarding objections.

MATERIAL PLANNING CONSIDERATIONS

- 2.16 As commented above, the principle of re-development of this plot for office accommodation has been accepted, albeit with a reduced parking standard of 66% of the normal policy requirement.
- 2.17 The previous scheme proposed a smaller building of more traditional design; this application has re-modelled the external appearance of the building to a contemporary style and has increased the floor space with the inclusion of an additional storey, to allow for company expansion.
- 2.18 In design terms the proposed contemporary influenced architecture incorporating flat roof and angular forms with the use of large areas of curtain walling, cladding and external bris soleil is considered to be acceptable and would not give rise to a form of development that would be harmful to the site and surrounding area. The increase in floor space currently proposed has not materially increased the visual bulk and scale of the building such that it would be over dominant on this site within the heart of the industrial estate.
- 2.19 Officers support the gain to Rochford of such a prestigious building combined with the provision of new jobs.
- 2.20 As commented above, the application is supported by a green travel plan. This is a mechanism whereby the owners of business encourage a reduction in car borne journeys to/from work by promoting alternative modes of transport and car sharing. The rationale of the green travel plan initiative is to reduce the reliance on the private motor car and thereby reduce the pressure for off-street parking at a development site. The green travel plan also provides an opportunity to consider the provision of fewer off-street parking spaces.

SCHEDULE ITEM 2

- 2.21 The earlier approval for an office development was supported with a parking density of 41 spaces, 80% of that required. This scheme proposes more office floor space than the previous approval with the inclusion of an additional storey; the proposed off street parking density within the current scheme is for 50 off street parking space which is at 66% of the policy standard. It is accepted that there is the potential for on street parking within areas of Brook Road itself, however these cannot be relied upon as always being available for the sole use of the applicant. It is therefore necessary to assess whether this level of provision is adequate, given the operation of an effective green travel plan. In assessing the level of provision, officers have been mindful of the recommendation from County Highways. Nevertheless, on balance, it is considered that the level of provision at 66% of the required standard is adequate, if combined with an effective green travel plan.

RECOMMENDATION

- 2.22 It is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 No development shall commence before plans and particulars showing precise details of the landscaping hereby permitted (hereinafter called the "Reserved Matters") have been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
 - 2 Application for approval of all "Reserved Matters," referred to in Condition 1 above, shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development hereby permitted shall begin before the expiration of three years from the date of this permission or two years from the date of the final approval of "Reserved Matters", whichever is later.
 - 3 The B1 (Offices) shall only be used as B1 and for no other purpose, including any use otherwise permitted within Class amenity and highway safety 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), or such uses ordinarily incidental to the use hereby permitted.
 - 4 No development shall commence before plans and particulars, which shall have been submitted to the Local Planning Authority concurrently with the "Reserved Matters" referred to in Conditions 01 and 02 above, showing precise details of any gates, fences, walls or other means of screening or enclosure to be erected have been agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure, as may be agreed in writing by the Local Planning Authority, shall be erected prior to the industrial unit to which they relate first being occupied and thereafter maintained in the approved form.

SCHEDULE ITEM 2

- 5 No development shall commence before all existing trees subject to Tree Preservation Order TPO 17/84, together with shrubs and hedgerows marked 'A' on the approved drawing 9.02/1.01 date stamped 2 April 2009, have been protected by chestnut paling fencing erected at the full extent of the crown spread, which shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the chestnut paling fencing.
- 6 No development requisite for the erection of the industrial unit hereby permitted shall commence before precise details of the surfacing materials to be used in the construction of all access ways intended to form part of the publicly adopted highway and car parking spaces have been submitted to and agreed in writing by the Local Planning Authority. Such access ways shall not be used by vehicular traffic until they have been surfaced in accordance with any details as may previously have been agreed in writing by the Local Planning Authority.
- 7 The industrial unit hereby permitted should not be occupied before the car parking spaces shown on the approved drawing 9.02/1.01 date stamped 2 April 2009 have been defined or otherwise marked on the finished surface of the car parking areas, in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the said car parking spaces shall be used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
- 8 The vehicular access hereby permitted shall not be used by vehicular traffic before it has been constructed and completed in all respects, in accordance with plans and particulars showing precise details of the access (including the position of any gates to be installed and/or visibility splays provided), which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once constructed, the said access shall be made available for use and thereafter retained and maintained in the approved form.
- 9 Measures as proposed in the Green Travel Plan, specifically Appendix 5 – Table 1, shall be implemented in full without any deviation/change, unless previously agreed in writing 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 area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Brook Road, Rayleigh

SCHEDULE ITEM 2

Relevant Development Plan Policies and Proposals

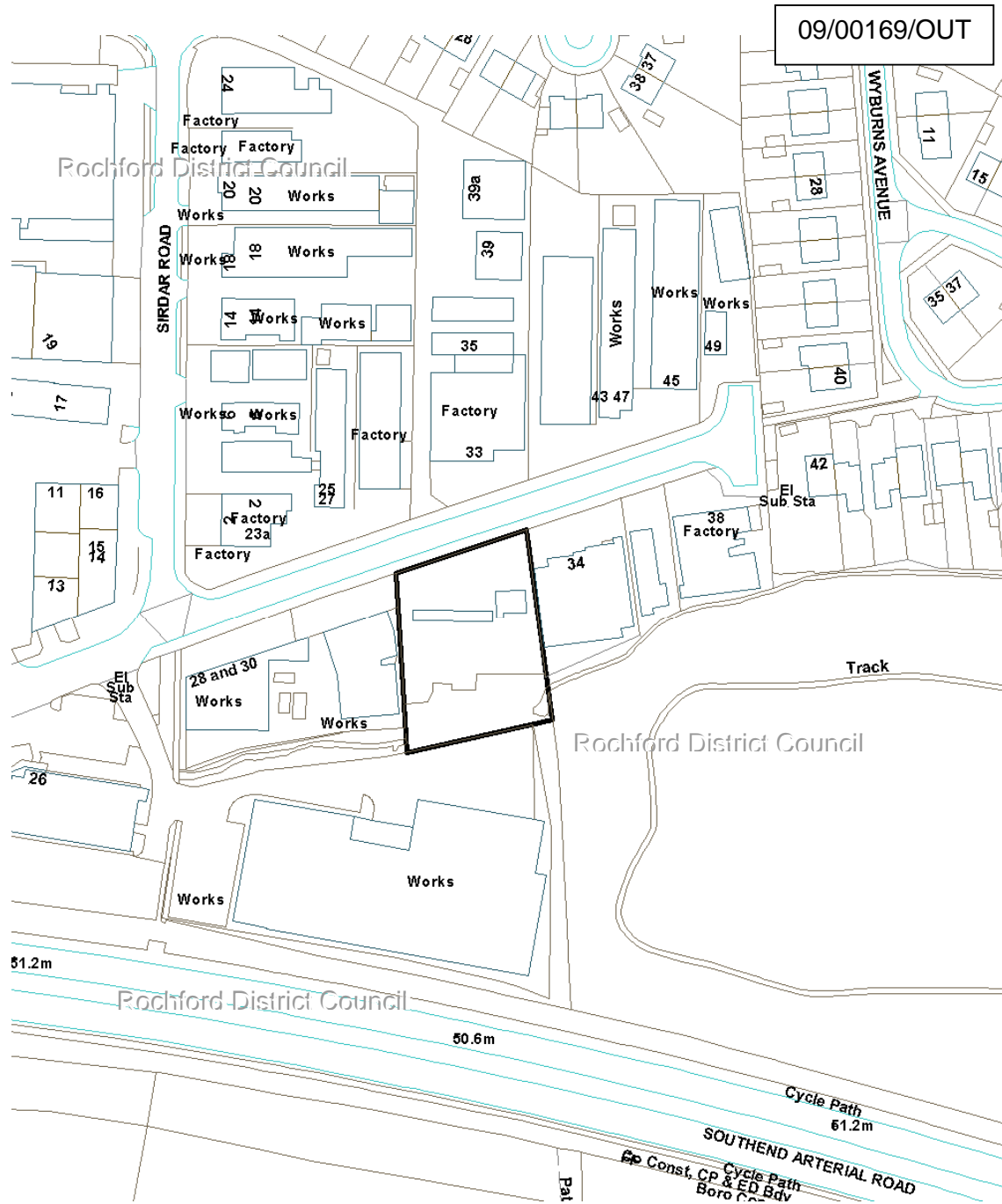
EB1 of the Rochford District Council Adopted Replacement Local Plan.



Shaun Scrutton
Head of Planning and Transportation

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SCHEDULE ITEM 2



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SCHEDULE ITEM 3

**TITLE: 09/00192/FUL
DEMOLISH EXISTING BUILDINGS AND CONSTRUCT PART
TWO STOREY AND PART THREE STOREY BUILDING
INCORPORATING LOWER GROUND LEVEL AND
BASEMENT AND BASEMENT CAR PARKING TO PROVIDE
TWENTY THREE ONE-BEDROOMED FLATS, FIFTEEN TWO-
BEDROOMED FLATS , ONE THREE-BEDROOMED FLAT
AND ONE BED SITTING FLAT (FORTY UNITS IN TOTAL)
68-72 WEST STREET ROCHFORD**

APPLICANT: NEWMAN DESIGN AND BUILD

ZONING: EXISTING RESIDENTIAL DEVELOPMENT

PARISH: ROCHFORD

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

The Site and Location

- 3.1 This application is to a site on the northern side of West Street on the inside of the junction made with Union Lane. On the site exists a single storey complex of buildings in use for car sales, car repairs, servicing and car valeting. The building has varied elements in size and form but is finished in white painted smooth render or brick.
- 3.2 Opposite the site exists the currently vacant former BP filling station site, which has planning permission granted for a part two storey, part three storey building comprising a retail store at ground floor with 6 No. two-bedroomed flats above, as granted permission on 31 May 2007 under application reference 07/00329/FUL and with an amended scheme approved on 10 March 2009 under application reference 08/00894/FUL. Also opposite the site is the two storey building in use as the Milestone public house.
- 3.3 To the north and rear of the site are the buildings and grounds of Rochford Hospital.
- 3.4 Adjoining the site to the east are three storey houses to Clements Mews and a two storey restaurant.

SCHEDULE ITEM 3

The Proposal

- 3.5 The proposal is to demolish the existing buildings and construct a three and four storey building incorporating lower ground level and basement and basement car parking and to provide 23 No. one-bedroomed flats, 15 No. two-bedroomed flats, 1 No. three-bedroomed flat, and one bed sitting flat resulting in 40 units in total. Within this composition are 9 No. two storey maisonette style flats.
- 3.6 The proposal includes a basement car park accessed by way of a car lift and with provision of 47 car parking spaces to serve the scheme.
- 3.7 The building would front onto the pavement to both West Street and Union Lane taking a two and a half storey form adjoining Nos. 64/66 West Street by way of lowering the ground floor below street level. The building would rise to three storeys at the junction with Union Lane and continuing in three and two storey form along the Union Lane frontage with a break part way along the Union Lane frontage to allow entrance to the courtyard and parking areas enclosed by the envelope of buildings proposed. The building would continue along the northern boundary at three storey form with a break to provide a separate part two storey and part three storey building backing onto the dwellings in Clements Mews on the eastern boundary of the site.
- 3.8 The design features a mixture of pitched roofs finished in slate and plain tiles. The walls would be generally finished in a mix of weatherboard, render and brick.
- 3.9 The application is accompanied by an accessibility statement, an architectural design statement, sustainability statement, contaminated land report by specialist consultants Site Analytical Services Ltd (S.A.S.), dated October 2007 and more recently a flood risk assessment.

RELEVANT PLANNING HISTORY

- 3.10 The re-development of this site has been the subject of two planning applications, both considered on appeal and dismissed.
- 3.11 The first application for an alternatively designed development of 44 units was refused permission on 29 December 2005 under application reference 05/00815/FUL for reasons of design, lack of pedestrian visibility, unacceptable gradient to the previous vehicular access, inability for vehicles to pass within the access and the previous provision of balconies considered to dangerously overhang the highway.

SCHEDULE ITEM 3

- 3.12 In dismissing the subsequent appeal, the Inspector had special regard to the desirability of preserving or enhancing the character and appearance of the Rochford Conservation Area. The Inspector had particular regard to the series of individual buildings of domestic scale and traditional design, together with the variety in roof pitch and height of roofs to these buildings. The Inspector concluded that the previously refused scheme would have appeared overpowering and incongruous in its setting as well as agreeing with the highway issues raised as being unacceptable.
- 3.13 The second application for a development of alternative design and near identical to the current application was refused permission on 23 October 2007 under application reference 07/00703/FUL for the following reasons:-
1. The mass and bulk of the building proposed would fail to respect the modest scale and character of the West Street frontage in this part of the Rochford Conservation Area contrary to parts (i) and (ii) to Policy BC1 and contrary to policies CS6 parts (a) and (c) and CS8 parts (a) and (b) to the Rochford District Replacement Local Plan (2006). If allowed, the development proposed would detract from the character and appearance of the Rochford Conservation Area.
 2. The proposed building incorporates general design features alien and inappropriate to the character and appearance of the Rochford Conservation Area and, if allowed, would prove visually detrimental to the character and appearance of the Rochford Conservation Area.
 3. The existing and previous use of the site for car sales, repairs, maintenance and associated works may have caused, or have reason to cause, contamination of controlled waters. No information has been provided to enable the Local Planning Authority to consider the potential for contamination and any risks arising or any necessary remediation as required by the advice contained within Planning Policy Statement 23: Planning and Pollution Control (2004).
 4. The proposal, as submitted, indicates works within the limits of the public highway with particular regard to the frontage onto West Street and the flank onto Union Lane. Such proposals would result in an obstruction to all users of the public highway to the detriment of highway safety.
- 3.14 In considering the subsequent appeal, the Inspector was presented with further information that overcame the objections of the Environment Agency and Highway Authority, subject to the matter of suitable planning conditions. Reasons 3 and 4 fell away and were not considered further.

SCHEDULE ITEM 3

- 3.15 Discussion at the hearing considering the appeal concentrated upon the effect of the particular tower feature in that scheme and to the corner of the junction made between Union Lane and West Street. The Inspector concluded that the scheme was not without merit, it being a marked improvement upon the earlier scheme dismissed also at appeal previously. The Inspector was satisfied that, in townscape terms, the appeal scheme then before him would successfully relate to the neighbouring Listed Building, being of similar height set back over four metres from its front corner. The Inspector also opined that the proposal would make an effective use of previously developed land, lead to the removal of unattractive light industrial buildings on the site and provide an element of affordable housing, which was a new issue raised in the light of standing Government advice.
- 3.16 The current application has re-designed the corner feature in response to the previous strong criticism of this part of the development and in the expectation of now having overcome the previous objections.

CONSULTATIONS AND REPRESENTATIONS

- 3.17 **Rochford Parish Council:** Have strong objections to this application as it constitutes over-development, destroying the character of a medieval street scene which is acknowledged to be one of the finest in the county. Concerned also that there may be the remains of aged tunnels in West Street, which could affect the proposed basement parking. Consider this development is not sympathetic to the Conservation Area.
- 3.18 **Essex County Council Environment, Sustainability and Highways:** Recommend the following heads of conditions to any approval that might be given:-
- 1) Visibility splay 2.4m x site maximum.
 - 2) Pedestrian visibility splay 1.5m x1.5m.
 - 3) Provision within the site of operatives' parking and storage of materials during construction period.
 - 4) Provision of wheel cleaning facility during construction period.
 - 5) Access way to be constructed in bound materials.
 - 6) All works within the highway to be agreed by Area Manager South.
 - 7) Provision of car parking prior to occupation of the development.
 - 8) Parking spaces to be 2.4m x 4.8m and 2.7m x 4.8m where adjoining a wall.
 - 9) Spaces 11, 31 and 41 shall be 2.4m between outer pillars.
 - 10) A minimum of 6m distance allowed behind each parking space.
 - 11) Provision and implementation of a Transport Information Marketing Scheme to include 12 months free bus travel vouchers within the applicable zone.

SCHEDULE ITEM 3

- 3.19 Furthermore request the applicant shall enter into a legal agreement for the contribution of £30,000 towards:-
- 1) Realigning kerbs in the vicinity of 75 West Street
 - 2) Disabled crossings at the junction of Union Lane and West street.
- 3.20 **Essex County Council Environment, Sustainability and Highways Built Environment Branch – Urban Design:** Satisfied with the way the building addresses the corner at the junction of West Street and Union Lane.
- 3.21 Note that projecting solid porch detail on the corner building has been changed in accordance with previous discussions, but a similar projecting flat roofed porch accessing units 117 and 118 is still proposed on the West Street elevation. Do not consider this projecting box shown in render, where a metal capping is presumably required is appropriate to the Conservation Area. Likewise, satisfactory detailing of the smaller rendered projections on units 209 and 116 may be difficult to achieve. The projecting box porches also occur on the courtyard elevations.
- 3.22 The entrances to units 113 and 114 on Union Lane are rendered but shown flush with brickwork on plan. Brickwork is then shown between the two doors. The windows above, shown recessed on elevation, are not recessed on the plan. These discrepancies need to be resolved and more consideration given to how the detailing between different materials will work.
- 3.23 A further concern is that the design and access statement says that the roof pitch for slate will be as low as 22.5 degrees, which is lower than would be expected in traditional vernacular buildings.
- 3.24 The landscape details for the courtyard will be most important to achieving a high quality scheme. The use of traditional material is mentioned in the design and access statement, but a more detailed proposal should be conditional.
- 3.25 **Essex County Council Historic Buildings and Conservation Specialist Advice:** Have no objections to the basic design, form and massing of the buildings, which are now of an appropriate character for the Conservation Area location.
- 3.26 Consider, however, that considerable improvement could still be made to the external appearance of the buildings in terms of the use of materials. Whilst not entering into an itemised critique, in general there are too many changes of surface material without apparent reason and numerous examples of the exterior of a unit being vertically divided by the use of different materials. The overall effect is far too “busy” and simplification and consistency is required.

SCHEDULE ITEM 3

- 3.27 Another concern is the use of distinctly “Modern Movement” Crittal - type horizontal windows, which appear at odds with the rest of the design, which is based on the vernacular tradition. This is evident in the tower unit where these windows are bizarrely juxtaposed with a classical column, as well as in stairwells and recessed window panels.
- 3.28 The square entrance porches also look rather “Modern Movement”. They should not be used alongside weatherboarding. They should be made to look more in keeping with the generally traditional character of the development, with appropriate copings and string courses.
- 3.29 The whole scheme would benefit from the addition of some chimneys, whether functioning or not.
- 3.30 Because the proposal is acceptable in principle, recommend permission is granted, subject to the satisfactory resolution of the above matters, none of which would affect the proposed plans or proposed accommodation.
- 3.31 **English Heritage:** Do not wish to offer any comments on this occasion. Recommend the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.
- 3.32 **Essex County Council Environment, Sustainability and Highways Specialist Archaeological Advice:** Advise that the site is immediately south and west of the known extent of the medieval town of Rochford and within the Roach Valley directly upon the Thames river terraces and which would be significantly affected by the development, in particular caused by reduction of the ground surface.
- 3.33 Recommend a condition regarding trial trenching and possible excavation prior to the development or preliminary ground works, which should be undertaken by a recognised professional team of archaeologists.
- 3.34 **Essex County Council Schools, Children and Families Directorate:** Advise that the development falls within the priority admissions area of Rochford primary and nursery schools and that according to forecasts there should be sufficient primary places at a local school serving this development. Furthermore there are sufficient early years and childcare places in Rochford.
- 3.35 Advise that the King Edmund School is the local secondary school for this development, which has a net capacity of 1,531 places. At the start of the 2007 academic year there were 1,537 pupils on roll. The School Organisation Plan forecasts by 2012 the deficit will rise to 14 even without taking account of new residential development in the area. It is therefore clear that at secondary level action will be needed to provide additional places and that this development will add to that need.

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- 3.36 Based upon the information provided it is estimated that the development will result in 1.7 secondary school places being required and therefore request a developer contribution prior to commencement of £29,269 in accordance with adopted supplementary guidance, which will need to be index linked from April 2009 using the PUBSEC index.
- 3.37 **London Southend Airport:** No safeguarding objections.
- 3.38 **Environment Agency:** Object to the application on the basis that the Local Planning Authority has not provided any evidence to demonstrate the Flood Risk sequential test has been applied.
- 3.39 Recommend a condition to any approval that might be given that the development shall be constructed with a minimum finished floor level of 5.075m AOD, to ensure the development remains dry in the event of flooding.
- 3.40 Recommend conditions to any approval that might be given concerning the contamination and summarised as follows:-
- 1) Submission of a scheme to deal with risks associated with contamination.
 - 2) Submission of an amended remediation strategy in the event of finding contamination not previously identified.
 - 3) Non-penetrative foundation designs (such as piling) in areas of the site not proven to result in unacceptable risk to groundwater.
- 3.41 **Head of Environmental Services:** Advise that the SAS phase 1 report still contains reference to petrol filling pumps on this site in the conceptual conclusions.
- 3.42 If Members are minded to approve the application recommend the following model conditions for development on land affected by contamination to be attached to any permission that might be given:-
- Model condition 1: Site Characterisation
Model condition 2: Submission of remediation scheme
Model condition 3: Implementation of approved remediation scheme
Model condition 4: Reporting of unexpected contamination
Model condition 6: Validation certificate
- 3.43 **Buildings/Technical support (Engineers):** No objections to raise. Advise that public foul and surface water sewers exist through the site adjacent to the eastern boundary.
- 3.44 Four letters have been received in response to the public notification and which in the main raise the following comments and objections:-

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- Out of keeping with the area
- Too many units for the space available
- Concerned about the impact of the proposal upon the adjoining Grade II Listed Building 64/68 West Street
- The proposed building will be within 1 metre of the adjoining building and will impose upon the 200 year old street scape at this westerly gateway to the town, creating a dark alley depriving the adjoining building of light and a new outlook of a flank wall
- Will be taller than a standard building because the lower ground floor is not completely subterranean
- Adjoining Listed Building cannot be altered to compensate so look to the Council to protect the natural light that enters the adjoining living space
- Request modification to provide hip ended roof adjoining Listed Building and light coloured render to the wall ends to maximise light available to adjoining Listed Building, if permission granted
- Glazed balcony to flat 307 would overlook garden to 64/68
- Express concern that the number of jobs lost would be zero whereas a number of people work on the site
- Concern that the number of residential properties proposed will impact adversely upon the indoor and outdoor live music licences essential to the adjoining "Milestone" public house business that has existed since 1992. Would like the guarantees given with the development of the adjoining former BP site applied to this development, should it be approved.
- Loss of business to adjoining licensed premises during the construction period given the likely amount of noise, disruption and dirt that will result.
- Union Lane is the primary access route for staff, visitors, delivery vehicles and some emergency services to access the Rochford Hospital site. The development could create congestion at peak times and it is imperative that the safe and effective operation of the hospital services that Union Lane remains clear at all times. This would be compromised by the development.
- The proposed development could impact upon the privacy of the eco-garden, which is a component of therapeutic treatment and is positioned along the boundary of the proposed residential units.
- Whilst the development could potentially improve the street scape of the area and provide appropriate residential accommodation, this cannot be at the expense of compromising the safe and effective operation of the hospital or the privacy and dignity of patients and their carers.

MATERIAL PLANNING CONSIDERATIONS

- 3.45 The site is located within the Rochford town centre, as defined in the Council's adopted Local Plan (2006), and allocated as existing residential development. The site is within the Rochford Conservation Area. The existing buildings on the site are of no significant architectural or historic interest.

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Density

- 3.46 The provision of flats in the town centre is acceptable in principle and reflects the demand for smaller households to be located close to services and availability to public transport. The site has an area of 0.174ha. The development would achieve a density of 235 units per hectare. Whilst the density is in excess of the 30 – 50 dwellings per hectare advocated in policy HP3 for residential areas, the site enjoys a town centre location with good access to transport and services where such higher densities can be justified. More recent advice contained within Planning Policy Statement 3: Housing, which was issued after the adoption of the Council's Local Plan, sets no upper limit to density. In dismissing the previous appeals, whilst for different schemes, both Inspectors acknowledged that solely in terms of density the previous scheme constituted a full and effective use of previously developed land. The high density is considered justified in this location provided there is no material harm that results in other respects. There can be no material objection to the proposal in density terms.

Design Issues

- 3.47 In the last appeal the Council lost the argument in terms of the mass and bulk of the building and its consequent effect upon the Rochford Conservation Area. He concluded that in overall townscape terms the building would successfully relate to the site surroundings and the Rochford Conservation Area.
- 3.48 In considering the second reason at issue in that last appeal, which concerned the design details of the building, the main focus of the discussions at the hearing was on the corner feature of the building then proposed and how the building would effectively turn the corner visually between West Street and Union Lane. This matter has been fully addressed by the applicants in the current application.
- 3.49 More, however, should have been made in the Council's case, as presented by officers, concerning the many detailed features that might otherwise be allowed in residential areas but which lack sensitivity within Conservation Areas.
- 3.50 There remains concern between both District and County specialist officers at the composition of materials, as proposed. The applicant argues that less was made of this in the previous appeal and that a decision to refuse permission for reasons based upon this issue would be unreasonable.
- 3.51 However, these matters cannot fully be addressed by a condition to any approval that might be given because the composition affects the general appearance of the building as a whole, given the size of this development. The concerns are much more than about the choice of materials and how and where they would be used.

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- 3.52 It will be seen from the detailed elevations that the composite elements of the façades show external material changes within the plane rather than at an appropriate break in the building plan where a change in material would follow vernacular tradition. In these cases the favoured material, such as render, should follow through that particular part of the external face of the building, rather than change midway to a new material such as brick or weatherboarding. The applicants argue that this has previously been accepted through the appeal and history in evolution of this design and provides the necessary articulation to each elevation, as required.
- 3.53 There is a particular concern at the entrance porch details and that in most cases these take an inappropriate form requiring a larger parapet detail and to be attached to a brick or rendered wall façade rather than a weather boarded finish, as proposed in most cases. The applicants disagree with this, arguing that the scale of the drawings do not allow for the full detail to be represented adequately and appreciated. This feature was not the subject of previous objection although clearly shown in the last appealed application. Nevertheless, if the applicants' response is accepted it does raise questions about the assessment of the plans at the submitted scale and any judgment about the acceptability of the design.
- 3.54 Officers consider that there is the opportunity to include sash windows on some parts of the building. However, the applicant argues against this in favour of casement windows, which it is suggested, offer more flexibility in terms of light and ventilation.
- 3.55 Officers also consider that the ground and first floor windows shown in the gabled flank return at the junction between West Street and Union Lane require greater separation. The applicants disagree that these windows are too close together in the vertical plane.
- 3.56 A particular detail at issue is the use of "Modern Movement" glazed areas to the stair wells. These show horizontal form, rather than a vertical form, which would better respect the local vernacular tradition.
- 3.57 Officers consider the design would benefit from the inclusion of chimneys. The applicants again disagree and advise that ventilation is provided for and the use of dummy and false stacks is unnecessary. The design deliberately does not attempt to copy established local vernacular or achieve some sort of pastiche.
- 3.58 Despite the regrettable situation that these issues were not addressed more comprehensively in the previous applications or subsequent discussions, officers nonetheless consider that, taken as a whole, these failings would detract from the appearance of the Rochford Conservation Area such that officers consider it amounts to sufficient reason to withhold consent.

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Amenity Space

- 3.59 The proposed flats would require provision of 1025 square metres to accord with the Council's detailed supplementary guidance. The proposal shows approximately 170 square metres distributed amongst the ground floor units in small landscaped areas closely adjoining the ground floor units, as well as a number of small balcony areas to some of the units proposed.
- 3.60 Account can be taken of the informal open space adjoining the reservoir and Freight House a short distance from the site. Furthermore, the town centre living environment does not give a high expectation of extensive amenity space so long as practical needs for limited storage and drying can be met. Whilst some units would have control over some dedicated space, it is considered that the availability of this open space near to the site overcomes concerns at the significant shortfall in provision on the site. The shortfall in amenity space was not a previous issue for the Council or upon which the previous Inspectors offered any objection.

Overlooking Issues

- 3.61 The layout would essentially focus outward windows into the internal courtyard or streets. No windows feature to the northern elevation that would otherwise overlook the hospital grounds backing onto the site. However, the second floor features north facing balconies to each of four flats. The neighbouring hospital eco-garden is currently overlooked from a further distance by flats at Roche Close, as well as the accessibility to the public to the car parking areas on this part of the hospital site. In these circumstances no material objection can be raised to the additional loss of privacy to this adjoining hospital garden area that will arise from the development proposed.
- 3.62 In dismissing the most recent appeal the Inspector acknowledged the overlooking of the adjoining garden at the rear of the restaurant to No. 66 West Street. The Inspector was not clear as to the function of this garden, but concluded that, as the building was used at ground floor as a restaurant, he was unclear as to the relationship of the garden to the adjoining flat. He concluded that any loss of privacy to this garden would not warrant the refusal of the scheme.
- 3.63 The Inspector did find that, whilst not an overlooking issue, the first floor side window to the flat above the neighbouring restaurant would look directly onto the blank end wall of the proposed building. This feature of the design has not changed and the Inspector concluded that this particular aspect of the development, which would be only a metre or so away from the affected window, would lead to unacceptably oppressive and gloomy conditions within the flat. This factor, in his view, did weigh against the scheme.

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Flood Risk Issue

- 3.64 The Environment Agency initially objected to the application, but have since considered the more recent submission of a flood risk assessment by the applicants. Officers have since forwarded reasoning to the Environment Agency that the development is considered to pass the sequential test. The comments of the Environment Agency are awaited on this at the time of writing and will be reported to Members at the meeting.

Affordable Housing

- 3.65 Policy HP8 to the Council's adopted Local Plan requires that in schemes in excess of 25 units the applicant provide for not less than 15% of the units proposed to meet affordable housing needs. This equates to six of the flats proposed.
- 3.66 The East of England Plan has lifted this requirement to the provision of a minimum of 35% provision of affordable housing within qualifying schemes. In this case that would ordinarily now require the increase in provision from this site to 15 units.
- 3.67 Officers take the view, in agreement with the applicants, that given the delay and complications around achieving a satisfactory form of development and the need to consider two appeals, that the increase in provision in this case is unjustified. Officers further understand that the applicants have been in some difficulty in finding a provider with funding and prepared to commit a contract to the scheme. The applicants are understood to be considering to offer an agreement to provide 6 units as affordable, but at the time of writing the report no details have been submitted. Although this issue arose after the formal consideration of the previous application it was, however, a matter that featured in the last appeal discussions before the Inspector and is not an issue introduced afresh and would not prejudice the applicant unreasonably. However, for the purposes of the officer recommendation, the absence of any meaningful commitment by way of an agreement at this stage is a reason for refusing permission that can be substantiated.

Highway Issues

- 3.68 The parking areas proposed will be predominantly located below ground or contained within the envelope of the building proposed and will therefore not give rise to unduly large areas so as to adversely affect the visual amenities of dwellings or occupiers other premises. The concealment of the larger parking area below ground will also reduce nuisance that can result from lights, noise or fumes.

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- 3.69 The proposal would provide 47 car parking spaces to serve the 41 units proposed, including the provision of 2 disabled spaces. The provision of one space per flat is considered acceptable in planning terms for this town centre location. The proposal exceeds this requirement at 1.1 spaces per flat.
- 3.70 The junction of West Street onto Bradley Way used to provide access to the Council's Back Lane public car park, as well as serving the entrance to Rochford Hospital and has proven to take significant capacity to previously feed the public car park. Union Lane is to provide access for staff to the re-development of the Rochford Hospital site and therefore the route to which the site fronts can expect to be heavily trafficked at peak times. No objection is raised by the County Highways department concerning the ability of the junction to cope with the anticipated traffic relating to the scheme.
- 3.71 The County highway Authority has made varied requests for financial contributions from the re-development of this and adjoining sites. The current application has attracted a request for a financial contribution of £30,000 towards minor highway improvements adjoining the site.

Educational Contribution

- 3.72 The current application has attracted a request for an educational contribution of £29,269 towards the provision of 1.7 secondary school places at the King Edmund School. It is not clear why no request was made of the previous applications. The applicant is aware of the request and at the time of writing is understood to be giving this consideration. This matter is a new issue and, given the previous history of the site, District officers consider that failure to provide this contribution would not be a sustainable reason to refuse the application.

RECOMMENDATION

- 3.73 It is recommended that permission be **REFUSED** for the following reasons:-
- 1 The proposed building incorporates general design features, such as inappropriate window detailing to the stair wells, sudden change in external materials unrelated to the structure of the building and building features, awkward design detail to the entrance porches and the omission of chimney details to the roof scape. If allowed in the proposed form, the building would have an alien and uncharacteristic appearance that, in the opinion of the Local Planning Authority, would prove visually detrimental to the character and appearance of the Rochford Conservation Area.

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- 2 The proposal, by way of the close proximity of the built form to the boundary of the site adjoining No. 64 – 66 West Street, would present a blank end wall of the proposed building to the existing side window to the neighbouring first floor flat that would result in unacceptably oppressive and gloomy conditions within that flat detrimental to the expectation of amenity that occupiers of that neighbouring flat ought reasonably expect to enjoy.
- 3 The proposal and the details accompanying the application fail to make provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy Statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006). If allowed, the development of the site as proposed would see the loss of an opportunity to provide affordable housing and the effective use of land in accordance with national and local Planning Policy.

Relevant Development Plan Policies and Proposals

CS6, CS7, CS8, CS10, HP3, HP6, HP8, HP11, BC1, BC2 of the Rochford District Replacement Local Plan (Adopted 16 June 2006)

Supplementary Planning Document 2 – Housing Design
(January 2007)

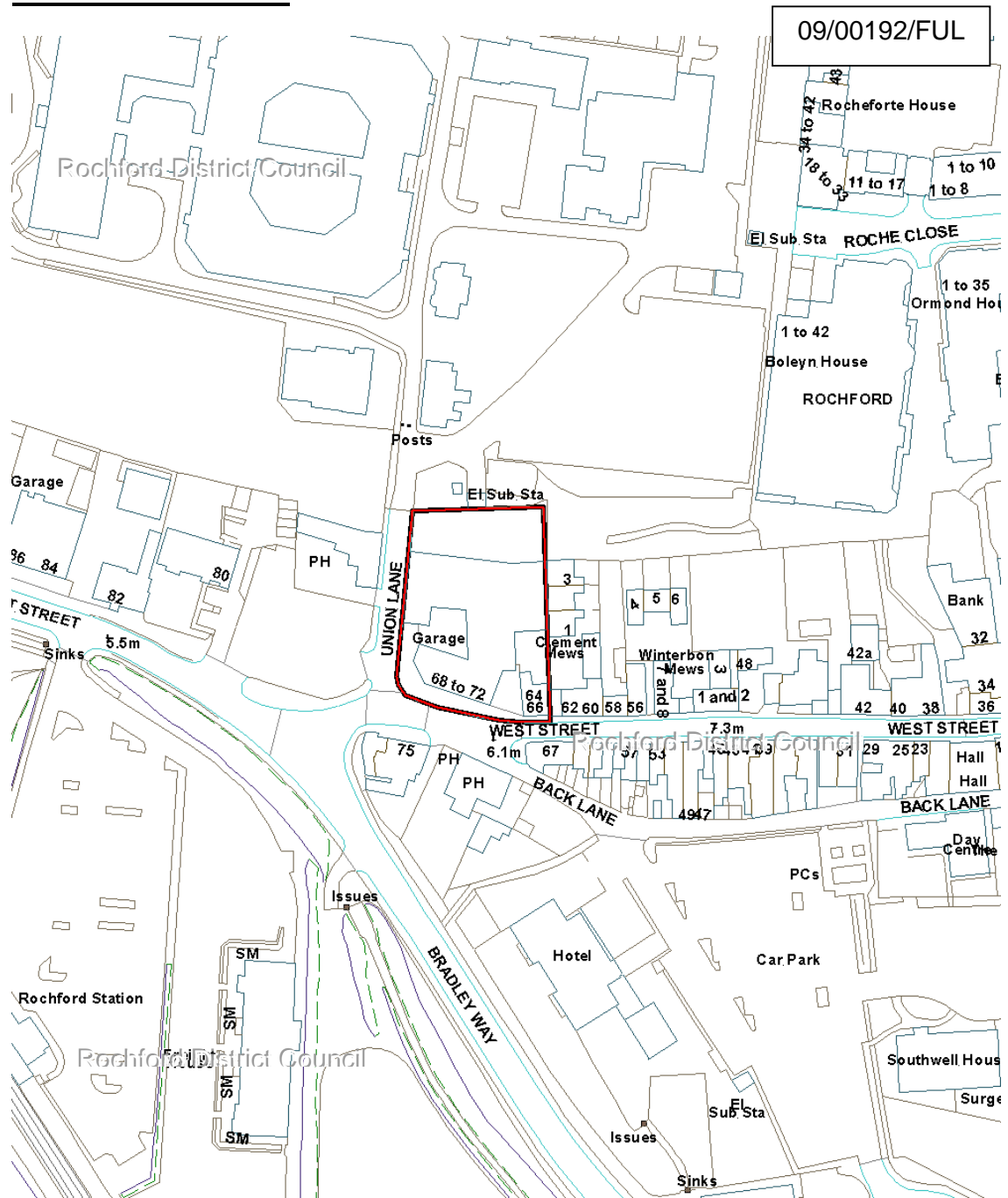
Supplementary Planning Document 5 – Vehicle Parking Standards
(January 2007)



Shaun Scrutton
Head of Planning and Transportation

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

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NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the officer recommendation on an application which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the Committee any changes to printed recommendations appearing in the agenda.**