



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
THE DEVELOPMENT COMMITTEE – 19 April 2012**

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 via the Main Reception at Council Offices, South Street, Rochford and can also be viewed on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk).

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

Ward Members for Committee Item

**SWEYNE PARK**

Cllr Mrs J A Mockford  
Cllr T E Mountain

**ROCHFORD**

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

**ASHINGDON AND CANEWDON**

Cllr. Mrs.T.J.Capon  
Cllr. T G Cutmore

**SCHEDULE ITEMS**

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**SCHEDULE ITEM 1**

**TITLE: 12/00109/FUL  
SUB-DIVIDE PLOT AND CONSTRUCT 3-BED CHALET  
DWELLING IN PART OF EXISTING REAR GARDEN OF  
PEARSONS FARM WITH NEW VEHICULAR ACCESS OFF  
LONDON ROAD  
PEARSONS FARM, LONDON ROAD, RAYLEIGH**

**APPLICANT: MR DAVID COOK**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: SWEYNE PARK**

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**SCHEDULE ITEM 1**

**PLANNING APPLICATION DETAILS**

- 1.1 This application is to a site on the northern side of London Road opposite the junction with Alexandra Drive.
- 1.2 The site comprises a detached house, which is a grade II listed former farm house set in a generous plot with the existing house located in the middle with generous garden fronting London Road either side. The site frontage is tree'd and a pond exists on the eastern side of the dwelling.
- 1.3 The site is formed from the western garden area, which is tree'd and lawned.
- 1.4 A public footpath immediately adjoins the site to the west alongside the western boundary with public open space beyond.
- 1.5 The proposal is to form a plot at the western edge of the existing garden area to a width of 10.57m for the main part, but splayed at the highway edge to incorporate visibility splays to an overall width of 15.23m.
- 1.6 The proposal would provide a chalet style dwelling with front roof lights and a glazed entrance hall two storey projection and the extension of the rear walling through the eaves forming dormer like windows at the rear. The building would have an overall height of 7.27m with the front entrance projection to a height of 6.14m.

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- 1.7 The building would be finished in timber feather edged black stained boarding above a brick plinth to the walls and red clay peg tiles to the roof.
- 1.8 The layout of the site would provide two off-street car parking spaces to the front garden area. No garaging would be provided.

**PLANNING HISTORY**

- 1.9 The recent planning history for the site concerns applications for alterations to the neighbouring listed building on the site and are not relevant to this application.

**CONSULTATIONS AND REPRESENTATIONS**

**Rayleigh Town Council**

- 1.10 ○ Withhold commenting, given planned District site visit but comments will follow.

**Essex County Council Historic Buildings and Conservation advice:**

- 1.11 ○ Advise that the curtilage of the Listed Building is large and the loss of this part of the plot would not harm the setting of the Listed Building.
- 1.12 ○ However, in design terms consider the proposal is unacceptable and would be detrimental to the setting of the Listed Building. If the access is opened up as proposed, this building would have far more visual impact in the street than the Listed Building and would detract from its appearance.
- 1.13 ○ The design of the building is awkward in the extreme. It is basically a modern building form with a “traditional “external glazed finish and this hybrid does not produce a satisfactory looking building. The glazed front projection looks out of keeping with the rest of the elevation. Roof lights would not be acceptable on the front elevation (Essex Design Guide page 60). The depth of the building is too great in relation to its height and length. The roof pitch is, as a result, too slack and peg tiles would be inappropriate for it, in the Essex tradition. The dormers are far too large for their windows, whose symmetrical design would not be appropriate.
- 1.14 ○ A simple weather board cottage, of traditional design and proportions, of two or one and a half storeys, would be likely to be acceptable here and would have complemented the Listed Building. There are many surviving examples of such cottages in the District to refer to. The “chalet” approach is fundamentally inappropriate in this context and therefore recommend refusal.

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**Essex County Council Highways**

- 1.15 The proposal site is located on a main distributor on the ECC Development Management hierarchy, the function of which is to carry traffic safely and efficiently between major centres in the county. The Highway Authority recommends that permission be refused for the following reason:-
- 1.16
  - The proposal provides an inadequate turning area causing a vehicle to exit in reverse gear. This would cause safety issues and be contrary to the aims and objectives of policy DM2 of the Development Management Policies adopted by the County Council as Supplementary Guidance in February 2011.
- 1.17 However, if the applicant was to submit revised plans showing a suitable turning area the Highway Authority would be prepared to consider this application.

**Rochford District Council Consultant Arboriculturalist**

- 1.18 The arboricultural report provided is lacking in arboricultural detail and not specific to the site or the constraints offered by the trees. There is no tree constraints plan or tree protection plan in accordance with BS5837:2010. In general the information provided is not detailed enough to determine how the trees will be affected by the proposal and appears to be a mixture of limited site details and templated, standardised information that does not correlate with the application and the arboricultural constraints that need to be identified and correctly addressed.
- 1.19 Until a detailed tree report, specific to the site and the proposal, is provided by a qualified arborist correctly identifying the tree constraints and providing a suitable methodology to protect the tree, I have to recommend refusal.

**Rochford District Council Head of Environmental Services**

- 1.20 No adverse comments to make, subject to the standard informatives SI16(Control of Nuisances) and SI25 (Contaminated Land) being attached to the consent granted.

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**MATERIAL PLANNING CONSIDERATIONS**

- 1.21 The site is allocated existing residential development. Paragraph 53 of the National Planning Policy Framework states that Local Planning Authorities should consider setting out policies to resist inappropriate development of residential gardens. This does not mean that such intensification cannot be acceptable in appropriate circumstances and indeed Policy HP1 to the Council's saved Local Plan (2006) encourages intensification. Given the relative spaciousness of the site, the formation of a development plot in the manner proposed does not in this case conflict with national or local policy.
- 1.22 Whilst the sub-division of the garden to the Listed Building is not considered to be harmful in principle, the County Adviser is critical of this particular application layout in that it would open up the frontage to form the site access and parking area exposing the new building that would in turn detract from the appearance of the Listed Building. The design of the building proposed has a number of features such as the glazed front entrance two storey projection, as well as poorly proportioned built form, lacking a suitable roof pitch, inappropriate for the use of peg tiles and the desired consistency with the adjoining listed building. Instead a more simple and traditional design would be acceptable.
- 1.23 The proposal although having a plot width in accordance with the Council's standards would provide side space of one metre only on the side of the adjoining garden to the Listed Building. The western side of the chalet proposed would be almost on the site boundary and the adjoining footpath.
- 1.24 It is not, however, considered necessary in this case that the chalet achieves a metre side space to the western boundary. The adjoining footpath and open space combine to reduce the likelihood of the coalescence of dwellings and lack of spaciousness that are the purpose for the standard. Given these circumstances there is no material objection to the lack of a metre wide side space onto the western side of the site.
- 1.25 The proposed building would have three bedrooms but a rear garden area of only 67 square metres and short of the minimum 100 square metres required. The site adjoins an area of open space including a formal children's play area to the west. However, the layout demonstrates a shortfall of one third of that required. The space available within the site is useable but only 5.9m in depth. The resulting space would be limited and short of the amenity space that future occupiers ought reasonably expect to enjoy.

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- 1.26 The proposed chalet features no side windows at first floor level. The proposed rear windows (dormer type) directly overlook the amenity space to adjoining flats backing onto the site. The original rear wall to the house to no. 41 Hartford Close would be sited 27m from the proposed rear wall of the new chalet and in excess of 25m stated in the design guide for directly opposing windows. However, this neighbouring house has a conservatory, reducing that distance, but as the two properties are not directly opposed, the overlooking that would result would not be such as to justify refusing permission on this basis.
- 1.27 The flats to the rear of the site are at a distance of 18m. However, the flatted buildings are at right angles to the rear of the dwelling proposed allowing for a closer siting. The windows to the flats at first floor facing the site are obscure glazed. No significant overlooking would result between the proposal and the flats at nos. 31 and 31a Hartford Close.
- 1.28 The proposal would remove a number of trees to the site frontage in order to obtain access and for the siting of the chalet proposed.
- 1.29 The application is accompanied by an arboricultural implication assessment and method statement to consider the impact of the development upon the trees on the site and those retained. The report has considered the effect on trees that are the subject of Tree Preservation Order 06/93 and east of the application site adjoining the Listed Building. The submitted tree survey plan does not fully include the site and does not make clear the assessment of all the trees on the site. The Council's consultant arboriculturalist is critical of this report. The report does not fully consider the impact upon the trees within the site and includes a poor hand drawn site note concerning the trees within the application site itself, which does not show the position of the dwelling in relation to those trees at issue.
- 1.30 County Highways object to the proposal on the basis of there being insufficient space within the layout proposed to provide adequate turning within the site to allow vehicles to enter and exit in forward gear. The layout would necessitate vehicles reversing onto the highway detrimental to highway safety.

**CONCLUSION**

- 1.31 Whilst the sub-division of the site to form an additional dwelling would accord generally with Council policy, the proposal is of a design and siting that would, if allowed, detract from the appearance of the adjoining Grade II Listed Building Pearsons Farm.

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- 1.32 The submitted layout would fail to provide adequate rear amenity space given the size of the dwelling proposed reducing the future adaptability of the building in sustainability terms.
- 1.33 The accompanying tree survey and implications assessment has addressed the impact of the proposal upon adjoining preserved trees, but does not provide a clear assessment of all the trees, including those to be removed on the application site. Consequently it is not possible to fully consider the implications of the development upon those existing trees on the application site.

**RECOMMENDATION**

- 1.34 It is proposed that the Committee resolves to **REFUSE** planning permission for the following reasons:-
- 1 The proposed building would be of an awkward design taking a modern built form but in traditional finishes and which, with the opening up of the site frontage and loss of tree cover, provide a new building and development that would detract from the appearance and setting of the adjoining Grade II Listed Building, Pearsons Farm.
  - 2 The proposal would fail to provide sufficient private amenity space for the future occupiers of the dwelling proposed to accord with the Local Planning Authority's adopted standards and which should be a minimum of 100 square metres. The proposed layout of the site would achieve only 67 square metres of private amenity space and would, if allowed, result in insufficient space for limited gardening, outside storage, recreation and outside drying detrimental to the expectations future occupiers of the dwelling ought reasonably expect to enjoy.
  - 3 The accompanying arboricultural implication assessment and method statement fails to set out the proper consideration and mitigation for the trees to be removed and retained on the application site. The submitted survey plan does not fully cover the application site and it has not been possible for the Local Planning Authority to adequately consider the impact of the proposal with regard to all the trees on the application site and the amenity afforded by those trees on the site upon the street scene and wider area.
  - 4 The proposal provides an inadequate turning area causing a vehicle to exit in reverse gear. This would result in safety issues and be contrary to the aims and objectives of policy DM2 of the Development Management Policies adopted by Essex County Council as Supplementary Guidance in February 2011.

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**Relevant Development Plan Policies and Proposals**

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011)

CP1

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

HP1, HP6

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

Standard C3



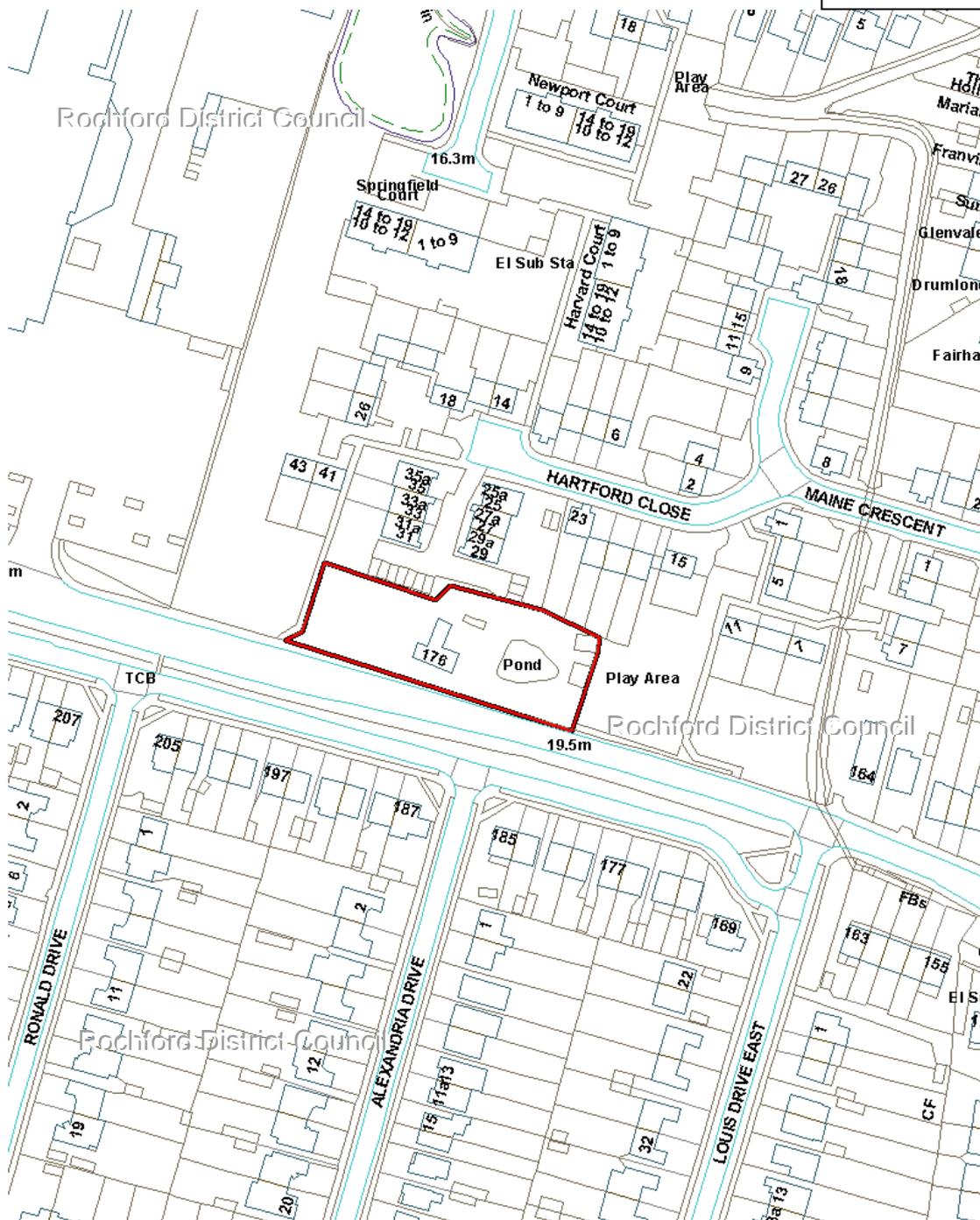
Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 318094.

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12/00109/FUL



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**SCHEDULE ITEM 2**

**TITLE: 12/00103/FUL  
EXTENSION OF PASSENGER TERMINAL BUILDING.  
CONFIGURATION OF AN AIRCRAFT PARKING AREA FOR 5  
AIRCRAFT STANDS. PASSENGER WALKWAYS AND  
ASSOCIATED WORKS  
LONDON SOUTHEND AIRPORT ROCHFORD**

**APPLICANT: LONDON SOUTHEND AIRPORT CO. LTD**

**ZONING: METROPOLITAN GREEN BELT/WHITE LAND**

**PARISH: ROCHFORD**

**WARD: ROCHFORD**

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**PLANNING APPLICATION DETAILS**

- 2.1 Planning permission is sought for an extension to the new terminal building which was granted outline planning consent in 1999 as part of a wider development which included a new integrated rail station, visitor centre, access road and associated car parking. Reserved Matters were approved for this development in 2004 and to date the railway station and new terminal building have been constructed.
- 2.2 The proposed extension would increase the footprint by some 4045 square metres, which is just over double the footprint of the existing terminal building (3053 square metres), an increase of approximately 57 percent. In design and appearance the extension would mimic the new terminal building with a curved roof at the same height and sheet cladding incorporating glazing to the exterior walls. A second recessed plant area is proposed in part of the roof over the proposed extension. The proposed extension incorporates a glazed projection at ground floor on the western elevation with a curved roof over and an open-sided canopy to the eastern elevation.
- 2.3 The five new aircraft stands proposed would be laid out to the north of the five stands that have already been laid out; involving the installation of head of stand equipment including lighting, stand entry guidance and fixed electrical power.
- 2.4 The proposal also includes an additional section of covered pedestrian walkway which would extend from the terminal building along the eastern boundary of the proposed additional aircraft stands for a length of some 236 metres. This walkway would be 4 metres in width with a curved sloping roof over at a maximum height of 3 metres.

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**THE SITE**

- 2.5 The application site is located in the far south-eastern corner of the operational airport. This area of the airport lies close to the railway line and Southend Road, the opposite side of which lie residential properties within the Rochford District some 150 metres away at the closest point. Residential properties within Southend-on-Sea Borough also lie in fairly close proximity to the proposed development site to the south.
- 2.6 The large majority of the application site is designated Green Belt save for a small part of the proposed ground floor extension to the terminal building to the western elevation which is designated as white land on the adopted Local Plan (2006).
- 2.7 The applicant requested a screening opinion from the Council to confirm whether the proposed development would qualify as development requiring submission of an accompanying Environmental Statement under the under the Town and County Planning (Environmental Impact Regulations) 2011. The proposal was considered and confirmation that it would not require an Environmental Statement was issued in a letter dated January 2012.

**RELEVANT PLANNING HISTORY**

- 2.8 Outline planning permission was granted in 1999 (97/00526/OUT) for a replacement terminal building, new integrated rail station, visitor centre, access road and associated car parking with Reserved Matters approved in 2004 (04/00639/REM).
- 2.9 In 2007 an application (07/01056/FUL) to vary condition 14 of the 1999 consent was approved which enabled the railway station to be constructed and used in advance of the replacement terminal building.
- 2.10 In 2010 an application (10/00643/NMA) was made for 'non-material' amendments to the design of the replacement terminal building. Several of the proposed amendments were judged to be 'non-material' and the application was approved in respect of these, others were judged to have more than a very minor impact on the design/appearance of the terminal building from that approved and the proposal was therefore refused in respect of these.
- 2.11 An application (11/00074/FUL) for variation of condition 1 of consent 07/001056/FUL to allow amendment of the design of the terminal building to authorise those amendments proposed to the design which were judged not to be 'non-material' in the 2010 application is currently pending determination and due to be published on the weekly list shortly.

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- 2.12 Various other applications and notifications have been submitted to the Council in respect of development associated with the airport expansion in the last few years including the following which are closely related to the terminal expansion;
- 2.13     ○ 06/00221/PD - Notification Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 1995 - Construction of a 230 Space Car Park and Erection of 2.7m Security Fence Lighting and CCTV Columns on Land Adjacent to the Control Tower.
- 2.14     ○ 07/00993/PD - Notification Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 1995 to Construct an Access Road Linking the Existing Aviation Way to a Hanger Currently Utilised by Casemasters Ltd.
- 2.15     ○ 09/00307/FUL - Retrospective Application to Form Temporary New Access off Southend Road. APPROVED.
- 2.16     ○ 09/00570/PD - New Control Tower Building.
- 2.17     ○ 09/00599/FUL - Application to Vary Conditions No.5 and No.8 to the Existing Planning Permission to Erect a Replacement Air Terminal with Integrated Rail Station, Visitor Centre, Access Road and Associated Car Parking. (04/00639/REM). APPROVED.
- 2.18     ○ 10/00689/PD - Provide New Taxiway on South Eastern Side of Runway.
- 2.19     ○ 11/00551/PD - Airside Covered Passenger Walkways Between New Terminal And Aircraft Stands.
- 2.20     ○ 11/00680/PD - Construct Airside Ramp and Office Accommodation Building.
- 2.21     ○ 11/00711/PD - Construction of and use of land for passenger surface car park including perimeter security fencing, lighting, alterations to access to the flight centre flying club and demolition/removal of existing buildings and hardstanding.

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- 2.22      ○ 12/00102/FUL - Retention of the existing vehicular access off Southend Rd for emergency access (access having previously been constructed pursuant to a temporary planning permission), Retention of vehicular access track and retrospective permission to retain re-profiling and grading of site. REFUSED.
- 2.23      Also of relevance to this proposal is the planning consent (09/01960/FULM) issued subject to a Legal Agreement by Southend-on-Sea Borough Council in 2011 for the runway extension.

**CONSULTATIONS AND REPRESENTATIONS**

**Rochford Parish Council:**

- 2.24      No objections, it will enhance the airport and improve the prospects for employment.

**Southend-on-Sea Borough Council:**

- 2.25      It is not considered that the proposed terminal extension would affect (i.e. increase) the passenger numbers or frequency of flights at the airport over and above that permitted under planning SOS/09/01960/FULM; the application to extend the airport's runway. The Environmental Statement accompanying that application made allowance for an extension to the terminal building and the application was determined on that basis. The resulting s106 agreement placed a number of controls upon the airport operator which place a cap on the number of aircraft movements. This cap, and all other controls, remain in place regardless of the outcome of the current planning application and limits the expansion of the airport.
- 2.26      In terms of impact on the highway, traffic modelling (VISSIM) has already been undertaken on the Harp House and retail park roundabouts that serve the airport. The traffic modelling has assessed the 2021 future year (airport operating at maximum capacity; 2 mppa) between the weekday peak times of 0800-0900 in the morning and 1700-1800 in the evening. The modelling has shown that there are no capacity problems predicted at either the Harp House roundabout or retail park roundabout. However, it is recommended that the link road between the airport/retail park roundabout and the Harp House roundabout is widened to allow two standard lane widths (total 7.3 metres) to be accommodated and two lanes to be formally marked. This improvement would allow better access arrangements. This widening should also take into account the safety of pedestrians crossing.

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- 2.27 A further consideration in the future is the implementation of bus priority at the roundabout to accommodate SERT (South Essex Rapid Transport) services should the outstanding application for funding for the scheme be successful. This potentially presents an opportunity for the roundabout to be upgraded to signal control.
- 2.28 Following a meeting on the 20<sup>th</sup> March 2012 between airport transport consultants and Southend Officers, which concerned the Harp House roundabout transport modelling results, it was agreed that the airport would review the need and locations of pedestrian crossings around the Harp House roundabout. It is recommended this review should take place within a month of the hotel opening and would assist passengers using the terminal.

**Environment Agency:**

- 2.29 Aircraft and related activities have the potential to pollute the water environment, but no information has been submitted with the application to demonstrate how the operator proposes to manage drainage from aircraft stands. In particular we are concerned about runoff contaminated with de-icer which has the potential to cause environmental damage if not managed appropriately.
- 2.30 We must therefore place a holding objection on the application until this information has been provided.
- 2.31 The application is less than 1 ha in size and it is therefore not in our remit to comment on the proposal to manage surface water. You should however ensure that the development will not increase the risk of flooding. Refer to the EA standing advice.
- 2.32 Anglian Water Services should be consulted regarding the available capacity in the foul water sewer. If there is not sufficient capacity in the sewer we must be consulted again with alternative methods of disposal.
- 2.33 Climate change is one the biggest threats to our future and will have far-reaching effects on our economy and society. We need to improve our resilience and adaptation to the effects, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality, flood risk, coastal erosion, waste disposal facilities and aquatic biodiversity.

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- 2.34 New development if not carefully planned can exacerbate these pressures. Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling the problem. This is supported by PPS1 and the draft NPPF.
- 2.35 Water efficiency; simple water efficient systems and fitting should be considered by the applicant and wherever possible grey water recycling and rainwater harvesting used. Energy saving; development should seek to reduce the demand for energy by incorporating for example passive systems which take advantage of natural light and air movement. Renewable energy should be explored and implemented where possible. Waste; the government and construction industry have a target to halve waste to landfill by 2012. The management of waste should therefore be considered as early as possible during the design phase to ensure that minimal volumes arise.
- 2.36 Revised consultation response:
- 2.37 We are satisfied that adequate measures have been put in place to prevent pollution of the surface water environment and recommend a condition to ensure this.

**Essex County Council (Archaeology):**

- 2.38 Archaeological excavations at the airport over the past few years have all uncovered evidence relating to an extensive prehistoric landscape of Late Bronze Age field systems and occupation activity. This evidence confirms the presence of a widespread later Bronze Age landscape across Southend Airport.
- 2.39 The proposed terminal extension and associated works are situated within an area of significant prehistoric activity and accordingly has a high potential for important and non-renewable archaeological deposits being present. Given the high adverse impact of the proposals on the surviving archaeological resource a full archaeological condition is recommended.

**Essex County Council (Education):**

- 2.40 No request for a section 106 education contribution as it is considered that there should be sufficient childcare capacity within the locality of the airport to meet the childcare needs of the potential additional 300 employees.
- 2.41 **Environmental Protection (RDC):** No adverse comments.

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**2.42 Neighbours: 69 letters received**

From properties in Leigh-on-Sea, Westcliff-on-Sea, Southend-on-Sea, Thundersley, Rochford, Hockley, Rayleigh, Hadleigh and Basildon.

2.43     ○ Road safety – more cars/coaches etc on the already dangerous A127.

2.44     ○ Traffic congestion – Over-development and expansion of the airport terminal will cause even more road congestion adding to the existing congestion experienced in the local and surrounding areas. Increase in road tankers to remove contaminated waste water plus fuel tankers delivering to the airport would increase congestion on roads. Additional traffic will run through Hockley which will be used as a "Rat" run to the airport causing more trouble that we have to endure now.

2.45     ○ Noise – residents' quality of life is already affected by the increase in noise from air traffic, very concerned by the prospect of further increase in noise by extra flights. Impact on peace and tranquillity in gardens. Excessive over development of this site in the heart of a predominately residential area is unsustainable. Elderly people especially, will be woken with the shock and fear of what sudden noise a jet aircraft generates when it is taking off or landing on runways that are literally on our doorstep. Where else is there an airport that is literally running parallel to houses or at the end of a residential road, like we are?

2.46     ○ Impact on amenity – residents won't be able to sit in their gardens for the overpowering smell of fuel (health issue) plus constant noise. The building is close to residential properties in Southend Road and in addition to the noise there will be considerable extra light affecting them after dark.

2.47     ○ Pollution – additional air pollution created by the hugely increased airport 'traffic' is detrimental to the welfare of residents and locality.

2.48     ○ Pollution impact on wildlife - concern about run-off from aircraft chemicals, fuel, and especially de-icing. The brook to the north that passes through Rochford Golf Course is home to the water vole. The Council have a legal obligation to ensure the continued protection of the water vole habitat. Any further expansion of the terminal, will lead to more flights, more planes, more run-off, more pollution and a breach of the law unless proper controls are put in place. If as suggested a tanker fleet is used to transport contaminates to an appropriate permitted site very stringent controls will need to be in place between the airport and the eventual destination of the contaminates.

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- 2.49 ○ Accident risk – increased risk as planes will fly over densely populated areas.
- 2.50 ○ Employment – expansion will not produce any significant local employment based on our understanding of the experience at Southampton airport.
- 2.51 ○ Who would be responsible for the consideration of compensation to residents for the extension of the airport? In the event of compensation being agreed who would be responsible for payment?
- 2.52 ○ Objection on the basis of the lack of research/time and challenge that Rochford Council have made in this matter.
- 2.53 ○ Progress is good but exploitation by a large multi-national company must be challenged at all times. Our elected Council needs to protect the people of Rayleigh and Rochford.
- 2.54 ○ Increased air traffic movements and visualised passenger numbers are unsustainable.
- 2.55 ○ Object when the original planning application was passed without a full environmental impact study being completed.
- 2.56 ○ It was not indicated when presented to Rochford and Southend councils in the first application that a fleet of tankers carrying toxic waste would be regularly using the access roads to and from the Airport.
- 2.57 ○ De-valuation of property.
- 2.58 ○ Our quality of life is being stealthily eroded as the airport apply for extra passenger capacity than originally applied for.
- 2.59 ○ Infringements of residents' human rights
- 2.60 ○ It is by no means certain that the projections for passenger numbers will increase as suggested. Question whether the additional capacity is needed so quickly. As the airport is not yet fully functioning how can they anticipate the passenger numbers warranting a terminal extension.
- 2.61 ○ The airport terminal extension will permit an unreasonable increase in passenger numbers that will inflict an unacceptable burden upon the local community.

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- 2.62 ○ The original new terminal was to cater for 2 million passengers, therefore a building three times the size will presumably mean 6 million passengers per year. There is simply not the space or infrastructure to cope with an airport having even more passengers and aircraft movements.
- 2.63 ○ Very few jobs will be going to local residents. Stobart are not using local contractors. I can appreciate that the area needs jobs, but the airport has not created the 7000 jobs as promised.
- 2.64 ○ Passengers will be at the airport and will not be spending anything in the towns of Rochford and Southend. Therefore the vast majority of benefit will be to Stobart who will in time use the airport as a freight hub. Passengers are merely a necessary, but inconvenient, means of their freight objectives. Freight movements are not subject to any restrictions by way of aircraft or flight times.
- 2.65 ○ Objection to further expansion when the impact of what has already been passed cannot yet be assessed good or bad. It would just be foolish to grant permission until a proper review of the impact of the airport on the local area has been undertaken.
- 2.66 ○ The JAAP planning process seems to have been circumnavigated, instead we get a steady drip feed of continuing expansion plans.
- 2.67 ○ The applicants have reported inaccurately; they reported that planes would be higher over houses with the extended runway, but they needed to shorten lampposts, trees and even have people remove TV aerials, as the planes are actually lower over some houses. Of the 2 cycle paths that were part of the agreed plans passed by the road closure inquiry, only 1 has been built.
- 2.68 ○ If the size of the terminal increases, this mean the number of flights would increase, otherwise what would be the point of making it larger? As the airport is already capped, why would you want to increase the terminal size? Does this mean that the council will agree to more than the capped amount in future years?
- 2.69 ○ Tripling the size of the terminal was never indicated or included in the original planning application.
- 2.70 ○ Excessive over development of this site in the heart of a predominately residential area is unsustainable.

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- 2.71      ○ Road links are not suitable. They are not large enough to cope with the amount of traffic a proposed 8 million passengers per annum will create. The road system around Southend and Rochford already grinds to a halt regularly at peak times creating traffic jams and tail backs along local roads and the main A127 route, as far back as Basildon at some times.
- 2.72      ○ Parking – people will want to travel by car, where are these people going to park to unload their suitcases and catch their flights, especially as the proposed park and ride scheme has been scrapped. Local roads and housing estates, the Purdey's Industrial estate and Rochford Town centre back streets will become clogged as will the main roads getting in and out of the airport and further afield which will make it harder to do business locally and will inevitably result in more parking restrictions and hassle for local communities and local businesses and therefore less local business being carried out as people will no longer be able to get to and park easily.
- 2.73      ○ The area already has more flats and houses proposed, which, on top of the already built new developments, will destroy the town centre and any sense of community Rochford has.
- 2.74      1 letter of support from EasyJet:
- 2.75      EasyJet are looking forward to starting our operations from the new facilities at London Southend Airport in April and very excited about the prospects of further growth in our services in the future. The airport with its own rail station, offering excellent access to and from London, will we believe be a great new gateway for business and leisure travellers into the London and Thames Gateway and to destinations across Europe.
- 2.76      The terminal extension as proposed in the planning application would help to ensure that levels of service to our passengers are maintained and enhanced as the airport continues to grow. An extended terminal and further stands would also present the opportunity for us to increase operations based at the airport in the future.
- 2.77      So far we have directly employed more than 150 people and airline crew to work from the airport to serve the 70 weekly flights and nine destinations we are serving from the airport in April. The basing of further aircraft would provide further job opportunities with EasyJet for residents of Rochford, Southend and surrounding areas.

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**MATERIAL PLANNING CONSIDERATIONS**

- 2.78 Section 38(6) of the Planning and Compulsory Purchase Act 2004 dictates that applications should be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise; this comprises the Rochford District Core Strategy (2011), saved policies within the Rochford District Replacement Local Plan (2006) and Essex and Southend-on-Sea Replacement Structure Plan (2001) and the East of England plan (until such a time as abolished, as currently proposed).
- 2.79 Policies ED1 and ED2 of the Core Strategy support the enhancement of London Southend Airport however this must be weighed against the fact that the proposal amounts to inappropriate development within the Green Belt for which very special circumstances must exist which clearly outweigh the harm that would be caused to the Green Belt as a result of the development. Inappropriate development is harmful to the Green Belt, by definition, although it is also necessary to consider other harm which would be caused and the extent of this. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 2.80 Although there is a proposal in the emerging London Southend Airport and Environs Joint Area Action Plan (JAAP) to remove the Green Belt designation from the operational airport this policy document remains at a consultation stage, though as per paragraph 216 of the NPPF, some weight can reasonably be accorded to the proposals set out in the plan.
- 2.81 Contrary to the applicants view, it is considered that the proposal would have a significant impact on the openness of the Green Belt, given that it is physical openness not simply the appearance of openness that the Green Belt seeks to protect, notwithstanding the operational airport context. The construction of a two storey, 10 metre high building some 90 metres in length and 40 metres in width on otherwise existing open land would therefore reduce openness markedly. However given the operational airport context the circumstances of the proposal are unique in the District such that it is considered that the proposal, if allowed, not would set a precedent for allowing further large-scale commercial buildings within the Green Belt which could cumulatively have a very significant harmful impact. In addition, this context and the significant amount of built development within the vicinity of the site reduces the impact that the proposal would have on the character and appearance of this part of the Green Belt. The site is not Green Belt comprising open countryside but is flanked immediately to the south by the existing new terminal building which is of substantial size. Close-by, to the east, is the newly constructed rail station which is also of significant size up to two storeys in height. In addition, other buildings and developments which give the area immediately surrounding the application site a developed character and appearance include the airport control tower and a sizeable surface parking area serving the airport. The

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- railway embankment to the east would act to partly obscure views of the proposed terminal building from the Southend Road. Given this context, it is considered that the proposed terminal building expansion would not have a significant harmful impact on the visual amenity of the Green Belt.
- 2.82 Of the 5 key purposes of Green Belt land it is considered that the proposal would not have a significant adverse impact on any; the site does not constitute countryside and so would not result in any loss, the proposal is sufficiently distant from the historic town centre of Rochford so as not to impact directly upon its character and given that the proposal relates uniquely to development which must be located at an operational airport the proposal would not prevent an opportunity for regeneration of existing derelict land. The land at the airport extends to some 125ha, extending between the southern edge of Rochford to the north and the northern extent of Southend to the south and as such plays an important role in preventing these neighbouring towns from merging into one another and checking urban sprawl the remaining two purposes of the Green Belt. The nature of the operational airport is however that a very significant part is required to remain open and undeveloped to accommodate the operational airfield and consequently the very nature of the use of this land would prevent further significant development and unrestricted sprawl between the two settlements. Given the context it is considered that the proposal would not significantly reduce the open, undeveloped space which acts to separate the built up areas of Rochford and Southend along the eastern boundary of the airport. It should also be borne on mind that the JAAP sets out policies in support of the development of the airport and the realignment of the Green Belt boundary.
- 2.83 In summary the proposal would result in harm to the Green Belt by definition and further harm by way of impact on openness although it is considered that it would not give rise to significant harm in relation to the character, appearance and visual amenities of the Green Belt or conflict markedly with any of the purposes of Green Belt land.
- 2.84 The applicant asserts that very special circumstances which clearly outweigh the harm, that would be caused, exist on the basis of;
1. The extent of existing surrounding development in the Green Belt and impact of the development on openness;
  2. The minimal impact of the development on Green Belt purposes;
  3. The need for, and benefits of, the proposed development including the existing policy support for the development of the airport and the economic benefits of the development;
  4. The lack of an alternative place to locate the terminal extension outside the Green Belt which would offer the same benefits; and
  5. The forthcoming review of the Green Belt boundaries in Rochford in emerging policy.

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- 2.85 Of the points 1-5 above, only the potential benefits of the proposed development including existing and proposed policy support for development at the airport are considered to contribute to very special circumstances.
- 2.86 As already mentioned above, Policies ED1 and ED2 of the Core Strategy support development at the airport, recognising the airport as a catalyst for economic growth and employment generation. The development of the airport is also supported in Southend-on-Sea Borough Council's statutory development plan and this Council has confirmed that they raise no objection to the proposal in response to consultation. As mentioned earlier, the new national planning policy introduced in the National Planning Policy Framework (2012), whilst not referring specifically to the acceptability of the development proposed, does indicate that weight can be given to emerging plans and also asserts that 'significant weight should be placed on the need to support economic growth through the planning system'.
- 2.87 Growth of the airport to a 53,300 (plus 5,300 cargo) aircraft movements a year airport, equating to some 2 million passenger per annum, has already been considered and judged acceptable in the decision to approve the runway extension application in 2010. This planning consent is subject to a legal agreement which, amongst other things, limits the number of aircraft movements to a maximum of 53,300 (plus 5,300 cargo) per year. The current proposal does not seek to allow any greater number of aircraft movements and if allowed, the airport would continue to be bound by the existing constraints in the legal agreement.
- 2.88 The proposed terminal building extension is however sought to improve customer experience by ensuring levels of provision of facilities designed to meet customer and airline expectations. The applicant has explained in a supporting statement that if the proposed development were not to proceed some of the wider economic and other benefits would be delayed and or lost and the job opportunities created directly by the proposed development would be foregone.
- 2.89 The applicant has identified the economic benefits that they consider would arise from the development of the airport as a 2 million passenger per annum airport which they argue the proposed development would help to facilitate as being:
- The creation of an estimated 1,400 direct jobs with a further 400 jobs created in the local area and sub-region indirectly through spending of employed directly and indirectly at the airport.
  - Wider catalytic benefits derived from increased attractiveness of the area to business.
  - Supporting international tourism to the UK, particularly through the direct connections between the airport and London and also capturing some additional local tourism.

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- User benefits in terms of reduced cost of using the airport as opposed to having to travel to other airports.
- 2.90 The applicant has identified that the terminal building extension application would specifically contribute to the economic benefits of the wider airport development by creating an estimated 300 new (full time equivalent) jobs and by facilitating higher levels of customer service, particularly at peak times, enabling the airport to continue to attract airlines wishing to base aircraft and operate from the airport.
- 2.91 Although an extension to the south of the existing new terminal building would not be located within the Green Belt as this area of the airport is designated as 'white land' to which no specific planning policy relates, this option is explained as unworkable given constraints of existing buildings and infrastructure. The applicant also explains that the proposed location of the terminal building extension would allow for the most direct access from the new rail station.
- 2.92 It is considered that the economic benefits of the proposal together with the policy support for operational development at the airport amount to the very special circumstances necessary to outweigh the harm to the Green Belt which would result from the proposal.

**DESIGN**

- 2.93 The appearance and form of the proposed terminal building extension would match that of the existing new terminal building such that once complete the building would appear as one with a seamless transition between the two parts. The curved roof provides for a unique design in the area and attention has been paid to detailing including: feature glazing to the north elevation which would mimic that on the existing south elevation; use of a small palette of external materials to achieve a clean, modern appearance; a roof overhang to the north to mimic that existing to the south, which helps to achieve a symmetrical appearance; and the extension of the eaves to the east and west to provide an attractive canopy feature.
- 2.94 The proposed walkway extension would match the existing section of newly constructed walkway to the south in form and appearance which is appropriate to and in keeping with the context of the site.
- 2.95 The design of the proposal is considered to be of the high standard required in accordance with Policy CP1.

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- 2.96 In terms of layout the design of the terminal extension and associated development has been well considered. The terminal extension to the north of the existing new terminal building would result in a centrally positioned customer entrance to the building directly opposite the pedestrian exit from the adjoining railway station which would provide for ease of customer transition between the two.
- 2.97 Landscaping of the terminal extension site would continue the approach already approved to the existing new terminal, rail station and parking area with the use of the same palette of materials for hard surfacing and provision of an area of grassed lawn to the front of the terminal extension. A piece of public art is proposed within the landscaped area to the front of the terminal extension to provide interest in the absence of significant planting which is constrained by the context of the site within an operational airport.

**ARCHAEOLOGY**

- 2.98 The site of the proposed terminal extension has the potential for significant archaeological remains and a planning condition to require investigation prior to construction is recommended in line with advice from the County Council archaeologist.

**POLLUTION CONTROL/WILDLIFE**

- 2.99 In response to the Environment Agencies initial consultation response which expressed concern about the lack of information provided as to how potential contaminants including de-icer used on aircraft would be prevented from contaminating water courses, the applicant provided further details.
- 2.100 The applicant has confirmed that contaminated water would be collected in a polluted water holding tank and that this water would then be removed by tanker. The Environment Agency has confirmed that this would be acceptable providing this operated as a sealed drainage system which has been confirmed to be the case by the applicant. The Environment Agency are satisfied with the applicant's proposal for all polluted run-off to be dealt with by means of a closed drainage system subject to details of the system and a robust management system and contingency plan being put in place and secured by means of a planning condition.
- 2.101 The closed drainage system proposed would ensure that no polluted water would be able to enter watercourses in the vicinity. The proposal would not therefore have any harmful effect on wildlife in watercourses within the vicinity of the site.

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HIGHWAYS AND PARKING

- 2.102 As already outlined above, the runway extension application approved in 2010 enabled the airport to increase the number of aircraft movements each year to a maximum of 53,300 (plus 5,330 cargo) with an associated increase in passenger numbers to some 2 million passengers per annum (2 mppa). The impact that this increase in passengers and their consequent traffic movements would have on the highway network was therefore considered in the determination of the runway extension application. Subject to a number of planning conditions and clauses in the legal agreement requiring amongst other things works to the highway network and targets for public transport usage, the impact of a 2 mppa airport on the highway network was considered acceptable.
- 2.103 The proposed terminal extension would increase and improve customer facilities. The new terminal building approved in the 1997 outline and 2004 reserved matters application was stated to have a design capacity of approximately 300 000 passengers per annum, though it is considered this was a conservative estimate at the time. The applicant has not confirmed the maximum number of passengers that the proposed extended terminal could accommodate, but the airport is limited to a maximum of 53,300 aircraft movements (equating to some 2 mppa) each year by the legal agreement tied to the grant of permission to extend the runway in 2010. That agreement also picked up and incorporated an earlier agreement related to the existing new terminal building planning consent. The proposal may however lead to the achievement of higher passenger numbers (up to the 2mppa limit) more quickly as improved facilities may make the airport more attractive to customers and airlines.
- 2.104 The proposal would not therefore give rise to any greater impacts on the highway network than those arising from the runway extension which have already been considered and judged acceptable.
- 2.105 The same applies to the consideration of parking provision; as the current proposal would not enable the airport to increase aircraft movements above the limit imposed in the legal agreement it would not generate the need for additional parking above that already deemed acceptable in the runway extension proposal application. The legal agreement associated with the runway extension contained a number of clauses relating to parking including the development and review of an Airport Surface Access Strategy (ASAS) and a Travel Plan (TP) which includes some 28 agreed targets required of the airport to manage parking and access. No additional parking or access requirements would be required in addition to these as a result of the proposal development.

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**ON-SITE RENEWABLE ENERGY/ENVIRONMENTAL SUSTAINABILITY**

- 2.106 The applicant has confirmed that the terminal extension would utilise air-source heat pumps and a condition is recommended to require the installation of these and or other measures as agreed to achieve the policy requirement for at least 10 percent of their energy from the development to be sourced from decentralised and renewable or low-carbon sources.
- 2.107 Policy ENV10 of the Core Strategy would require the proposed terminal extension to meet, as a minimum, the BREEAM environmental assessment rating of 'very good' unless economically unviable. The applicant has advised that the bespoke approach to BREEAM adopted for the new terminal building in the absence of formal BREEAM assessment criteria specifically for terminal buildings would be used and a condition is recommended to require assessment and achievement of a 'very good' rating.

**AIR QUALITY AND AIR AND GROUND NOISE**

- 2.108 Controls to manage impacts on air quality and air and ground noise resulting from the airport operating at a maximum of 53,300 (plus 5,300 cargo) aircraft movements per year are contained in the legal agreement already in place in relation to the runway extension consent. Given that the current proposal would not enable any greater number of aircraft movements above this existing limit, no greater impact on air quality would occur as a result of the proposed development. The clauses in the legal agreement relating to air quality and air and ground noise apply to the airport as a whole such that any use of the proposed new aircraft stands would be covered by the requirements in the existing legal agreement.

**OTHER MATTERS**

- 2.109 The proposed terminal building extension would incorporate some ancillary retail floorspace. Such ancillary retail floorspace is common within terminal buildings for use by passengers, and it is considered would not impact adversely on the viability and vitality of existing nearby town centres/retail areas.
- 2.110 The site of the proposed terminal extension has been used to help facilitate construction of the existing new terminal building and is not considered to have any ecological value requiring mitigation.

**SCHEDULE ITEM 2**

**CONCLUSION**

- 2.111 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.112 The application site is designated Green Belt in the adopted Local Plan (2006) however it is considered that very special circumstances do exist which clearly outweigh the harm to the Green Belt that would result from the proposal by virtue of the policy support for operational development at the airport and given the economic benefits of the proposal particularly given the limited impact on the character and appearance of the Green Belt given the operational airport context.
- 2.113 The proposal would not enable aircraft movements (and associated maximum passenger numbers) to exceed those already accepted by virtue of the 2010 runway extension application. The controls necessary in terms of highway, parking and other impacts associated with this level of activity are already subject to a legal agreement which would remain in place. No amendment to this agreement is sought and there is no need therefore for any further controls to be imposed.

**RECOMMENDATION**

- 2.114 That following the expiry of a press advert, the application is referred to the Secretary of State for Communities and Local Government advising that Members are **MINDÉD TO APPROVE** the application, subject to the following heads of conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  2. Prior to use of the aircraft stands hereby approved, details, including plans of the proposed closed drainage system to prevent polluted run-off from the stands to water courses shall be submitted to and agreed in writing by the Local Planning Authority and shall include details of the proposed management and contingency arrangements for the proposed system. Once agreed the drainage system shall be installed as approved and retained thereafter in the approved form. The management arrangements shall continue to be implemented as approved in perpetuity.
  3. The external facing materials to be used in the construction of the development hereby permitted, shall match (i.e. be of an identical appearance to) those of the corresponding areas of the existing new terminal building/passenger

**SCHEDULE ITEM 2**

walkway.

4. No development or preliminary ground works shall commence in connection with the development hereby approved, before the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which shall previously have been submitted to and approved in writing by the Local Planning Authority.
5. Prior to commencement of development hereby approved details of how the proposal will achieve at least 10 percent of its energy from decentralised and renewable or low-carbon sources shall be submitted to and agreed in writing with the Local Planning Authority (unless this is shown to be not feasible or viable). Measures shall be installed as agreed and confirmation in writing that the installations are operating shall be submitted to the Local Planning Authority prior to use of the terminal extension hereby approved by passengers.
6. No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
  - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - areas to be grass seeded or turfed,
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross-sections if appropriate;
  - means of enclosure and other boundary treatments;
  - minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc;

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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7. Prior to use of the new terminal extension hereby approved by passengers, written confirmation that the extension has been assessed under the BREEAM criteria and achieved at least a 'very good' rating shall be submitted to the Local Planning Authority.

**REASON FOR DECISION**

The proposal is considered not to cause 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 the neighbouring streets.

**Relevant Development Plan Policies and Proposals**

Policies CP1, GB1, ED1, ED2, RTC2, ENV1, ENV3, ENV5, ENV8, ENV10, CLT2, T1, T2, T3, T5, T6, T8 of the Rochford District Core Strategy (December 2011).

National Planning Policy Framework.

East of England Plan (2008)

Rochford District Replacement Local Plan (2006)



Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Katie Rodgers on 01702 318094.

**SCHEDULE ITEM 2**

12/00103/FUL



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**REFERRED ITEM 3**

TITLE : 12/00017/COU  
PROPOSED CHANGE OF USE OF LAND FROM  
AGRICULTURAL TO USE AS A CRICKET PITCH

APPLICANT : RANKINS CRICKET CLUB

ZONING : METROPOLITAN GREEN BELT, COASTAL PROTECTION  
BELT, SPECIAL LANDSCAPE AREA AND FLOOD ZONE 3

PARISH: STAMBRIDGE PARISH COUNCIL

WARD: ASHINGDON AND CANEWDON

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

This application was included in Weekly List no 1128 requiring notification of referrals to the Head of Planning Services by Wednesday 11<sup>th</sup> April 2012 with any applications being referred to this Meeting of the Committee. The item was referred by Cllr T G Cutmore.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

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**NOTES**

- 3.1 Planning permission is sought to change the use of the land from agricultural to use as a cricket pitch at land east of land adjacent to Broomhills, Stambridge Road, Stambridge. The site is part of an agricultural field located within the Metropolitan Green Belt, Coastal Protection Belt, Special Landscape Area and flood zone 3. The site is surrounded on its northern and eastern boundaries by an agricultural field and to the west is an access track then an open field and Broomhills care home. To the south is the River Roach. Public footpath no.26 also runs alongside the western and southern boundaries of the site.
- 3.2 The proposal is for a change in the use of the land from an agricultural field to a cricket pitch. Rankin's Cricket Club explain within their application that due to their expansion, which has been created through the introduction of a junior section to the club in 2007, there is a need for a new pitch. This is to accommodate juniors moving into adult cricket and a need to increase the number of senior teams from two to four.

**REFERRED ITEM 3**

PLANNING HISTORY

- 3.3 03/00052/COU - Change Of Use Of Land From Agriculture To Football Pitches. Refused planning permission on 27 May 2003. This was refused for the following reasons:
- 3.4 1. The site is not considered to be within reasonable walking distance of Rochford town, or its railway station, nor is the site well-served by buses. The remote location of the site and the lack of public transport will mean that virtually all journeys to and from the site will be car borne. As there is no alternative to the car, the movements to and from the site will be significantly higher than the existing site use. The proposal is not considered sustainable, due to reliance upon the use of private cars, which is contrary to Policy CS4 of the Essex and Southend-on-Sea Replacement Structure Plan, and the government guidance of PPG13 (Transport) and PPG17 (Sport and Recreation).
- 3.5 2. The proposal would intensify the use of an access onto a classified highway where the main function is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.
- 3.6 3. Notwithstanding that, prima facie, the proposed use of the land for outdoor sport falls within a category of development generally considered appropriate within the Metropolitan Green Belt, in this case, the scale of the use and the likely level of car parking being required to serve the use is considered to affect the openness of the Metropolitan Green Belt, contrary to Policy GB1 of the Rochford District Local Plan First Review and Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan.
- 3.7 4. The scale of the use and the level of car parking likely required to serve it would, in the opinion of the local planning authority, detrimentally affect the pleasant rural character of the area, which lies within a Special Landscape Area, contrary to Policy RC7 of the Rochford District Local Plan First Review.

**REFERRED ITEM 3**

- 3.8 5. The use of land for football pitches does not require a coastal location and, in the opinion of the local planning authority, would detrimentally affect the pleasant open and rural character of the area, and its wildlife, contrary to Policy RC9 of the Rochford District Local Plan First Review and Policy CC1 of the Essex and Southend-on-Sea Replacement Structure Plan.
- 3.9 6. The proposed use of the site for football, taking into account the number of players, spectators and cars likely involved, is considered likely to result in a level of noise and activity detrimental to the amenities of nearby residents and, to a lesser degree, those living along the roads leading to the site.
- 3.10 7. The site lies adjacent to the River Roach, which is designated as a Special Protection Area for birds, a Ramsar site and also falls within the Essex Estuaries candidate Special Area of Conservation. This stretch of estuary is currently undeveloped and subject to limited disturbance. The intertidal mudflats and saltmarsh are important in their own right as habitat for significant numbers of wintering birds such as ducks, geese and waders. The use of the land is not connected with the management of the nature conservation. It is considered that the proposed use of the site will increase disturbance impacts to wintering estuarine birds and, thereby, have a significant and adverse effect upon the integrity of these designations. The proposals are, therefore, considered unacceptable, and contrary to Policy RC9 of the Rochford District Local Plan First Review, and Policies NR6 and CC1 of the Essex and Southend-on-Sea Replacement Structure Plan.

**MATERIAL CONSIDERATIONS**

- 3.11 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. It is considered that the proposed cricket pitch accords with this presumption and represents 'sustainable development' at this site.

**METROPOLITAN GREEN BELT**

- 3.12 The site is located within the Metropolitan Green Belt where strict policies apply surrounding development. The National Planning Policy Framework (NPPF) (March 2012) and policies GB1 (Green Belt Protection) and GB2 (Rural Diversification and Recreational Uses) of the Core Strategy require particular consideration.

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- 3.13 Paragraphs 88 and 89 of the NPPF refer to inappropriate development within the Metropolitan Green Belt (MGB). Material changes of use of land are not specifically referred to within the NPPF in order to make an assessment as to the acceptability of the proposal however, under paragraph 90 where other forms of development are described, the assessment includes ensuring a proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in the MGB. It is considered appropriate for such an assessment to also be undertaken for the proposed change of use in order to consider its acceptability. The five purposes of the MGB are listed at paragraph 80 of the NPPF and it is not considered that the proposed cricket pitch would conflict with these purposes.
- 3.14 With regards to assessing the impact on openness, the visible changes to the MGB would include the change in ground appearance from an agricultural field to an area of maintained lawn along with people playing cricket and spectators. It is also understood that the intention is for people to park by the pitch, therefore the siting of vehicles would also be visible. Whilst it is considered that the siting of a cricket pitch alone would not detrimentally impact upon the openness of the MGB in this location, the siting of vehicles here could have such an impact. As the siting of vehicles is a subsequent need for a sport pitch facility, of which such a facility is supported by the NPPF, and because the NPPF does allow for the provision of appropriate facilities for outdoor sport and recreation, which a small area to park vehicles could be considered to fall within, it is considered that the parking in this area would not be contrary to MGB policy. However, a planning condition requiring details of where such parking would be located and the type of any hard surfacing to be submitted to and agreed in writing by the Local Planning Authority should be attached to an approval to ensure any parking and surfacing has a limited impact on the openness and character of the MGB. Therefore, the proposed change of use is considered to represent appropriate development within the MGB in accordance with the NPPF.
- 3.15 Policies GB1 and GB2 of the Core Strategy also require consideration. Policy GB1 aims to direct development away from the MGB. However, this policy does state that 'rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt'. The siting of a cricket pitch here is considered to represent 'rural diversification'. The MGB in this location is characterised by an open field used for agricultural purposes. It is surrounded on its northern and eastern boundaries by an agricultural field and to the west is an access track. To the south is the River Roach and there is a public footpath alongside it to the south and west. The site is particularly visible from the public footpath and the character of this part of the MGB would alter so that instead of viewing one whole field in use

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for agriculture, there would be a noticeable section in the south west corner of the field in use as a cricket pitch. However, as the proposed use as a cricket pitch would retain an open appearance it is not considered that the proposal would have a significant impact on the character of the MGB in this location. Therefore, the proposal is considered to be in accordance with policy GB1 of the Core Strategy. Paragraph 6.15 of the Core Strategy explains that equestrian facilities and playing pitches, in particular, are appropriate activities in the Green Belt as encouraged in national guidance, which the Council support.' Policy GB2 then goes on to state that outdoor recreation and leisure uses may be considered appropriate and it is considered that the current proposal would be in accordance with policy GB2.

- 3.16 No structures are proposed within the application. Therefore, as the proposal just involves a change in the use of the land, requiring a change in the appearance of the ground finish, such a change is considered to be acceptable. Any associated paraphernalia however, such as changing rooms could be controlled by planning condition so that any proposed works would be subject to a new application for consideration as to their acceptability in MGB terms. As there is an existing cricket pitch in close proximity to the site with a changing room facility it is possible that the intention is to share this existing changing room.

**PLAYING PITCH PROVISION**

- 3.17 Policy CLT10 of the Core Strategy, located within the Community Infrastructure, Leisure and Tourism section also requires consideration and this looks at limiting site provision within the MGB. This policy states that 'the Council will take a positive approach to the provision of playing pitches within the District'. However, when considering the location of pitches within the MGB one of the criteria states that development is appropriate if 'there is a need for additional playing pitches in the area which cannot be met by available sites outside of the Green Belt'. In order to consider the need for a new pitch it is necessary to consider Supplementary Planning Document 3: Playing Pitch Strategy (2007).
- 3.18 SPD3 which undertook a survey into playing pitches in 2002, confirms that there is no requirement for new cricket pitches in this subarea. New data has since been produced, which does not yet form a Supplementary Planning Document and therefore can only be afforded limited weight, providing more up to date information about playing pitches in the Rochford District. This data also confirms that there is not currently the demand for any new cricket pitches within the Rochford District. Therefore, it is questionable as to whether there is a definite need for a new pitch. It is explained within the application form that the club currently rent pitches from Southend Council and ground shares with Wakering CC which they state is not ideal. As the club are

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already using existing facilities outside of the district there is clearly the need from a club perspective due to the expansion that has taken place within the junior division of the club. When considering this need and the fact that the cricket pitch would relate to an existing club and pitch in close proximity to it, it is considered that although contrary to SPD3, the proposed use would be acceptable here. The section above has confirmed that the proposal would be acceptable from a MGB perspective.

- 3.19 Policy CLT10 also requires consideration around whether the site is in an accessible location on the edge of a settlement. The site is not considered to be on the edge of a settlement, being surrounded by the MGB and other designations, away from the residential area. Whilst the site is accessible by car and foot, due to the positioning of an existing cricket pitch with informal parking availability close to the site and a public footpath bordering the site, it is not considered to be easily accessible by public transport.
- 3.20 However, the existing cricket pitch for Rankins Cricket Club operates without such easy accessibility. It is therefore considered that it would be unreasonable to refuse the current application for matters relating to the sites accessibility.
- 3.21 The proposal is considered to be small-scale but it will be necessary, in accordance with SPD3 for any cricket pitch to accord with Sport England guidance and the information on pitch size provided by the English Cricket Board (ECB) and Marylebone Cricket Club (MCC) as expressed in SPD3. The area identified is a circular area although no information is proposed around precisely how the pitch would appear. This could be controlled by planning condition requiring the precise size to be agreed taking regard to the information about sizing supplied within SPD3.
- 3.22 SPD3 also requires there to be sufficient infrastructure in place surrounding the development. The site is linked to an existing cricket club which has changing room facilities. SPD3 also confirms that any new playing pitch facilities should be designed to include good drainage. No information about drainage has been provided with this application however, an acceptable scheme could be controlled by planning condition requiring such details to be agreed prior to works commencing.
- 3.23 Finally, policy CLT10 requires there to be no undue impact on residential amenity or highway safety and efficiency. The closest residential dwelling to the site is located approximately 223m away (Broomhills) and there is already a cricket pitch close to Broomhills, therefore it is not considered that the proposed pitch would be detrimental to residential amenity. ECC highways department have not raised concerns with the proposal in terms of highway

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safety and efficiency.

**COASTAL PROTECTION BELT AND SPECIAL LANDSCAPE AREA**

- 3.24 The site is also located within the Coastal Protection Belt where policy ENV2 of the Core Strategy, policy CC1 of the Essex and Southend-on-sea Replacement Structure Plan (2001) and the NPPF require consideration.
- 3.25 Policy ENV2 of the Core Strategy requires the Council to protect and enhance the landscape, wildlife and heritage qualities of the coastline. It is not considered that the proposed cricket pitch would protect and enhance these qualities in this area however, it is not considered that they would adversely affect these features either or adversely affect the open and rural character of this location. This policy also states that the Council will not permit development in coastal areas which are at risk from flooding, erosion, and land instability. Whilst the land is at risk of flooding, being located within the flood zone, there is an existing cricket pitch in close proximity which also suffers from a similar risk. Therefore it is not considered that it would be justified in refusing this application for this reasoning. Whilst the site is an open field, it is considered to be an already developed part of the coast, with a care home, Stambridge Mills and Purdeys Industrial Estate all in close proximity to it.

It is also the case, that the proposed works only involve a change in use of the land rather than operational development, therefore, it is not considered that the proposed works would be detrimental to the coast line here. Therefore, the proposed development is considered to be in accordance with policy ENV2 of the Core Strategy.

- 3.26 The site is also located within a Special Landscape Area, known as the Roach marshes, where saved policy NR1 of the Local Plan 2006 requires consideration. As the works involved do not propose operational development, but a change in use of the land, it is considered that the proposed development would accord with policy NR1.

**FLOODING**

- 3.27 The site is located within flood zone 3 and policy ENV3 of the Core Strategy and the NPPF require consideration here.
- 3.28 Paragraph 104 of the NPPF states that 'applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments'. The proposed use as a cricket pitch would fall within the category of 'water-compatible development' within the Technical Guidance to

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the National Planning Policy Framework (March 2012) which is an appropriate use of land within flood zone 3. However, it is still necessary for proposals within flood zone 3 to be accompanied by a flood risk assessment. The application is not supported by such an assessment; therefore it is considered that the proposed impact of the development cannot be fully assessed. The proposed cricket pitch, due to the absence of a flood risk assessment, is considered to be contrary to the National Planning Policy Framework and policy ENV3 of the Core Strategy.

- 3.29 Whilst the Environment Agency have confirmed that the applicant and site users should be aware of the sites risk, they have not objected to the proposed development.

**IMPACT ON LOCAL WILDLIFE AND PUBLIC FOOTPATH**

- 3.30 The site lies adjacent to the River Roach, which is designated as a Site of Special Scientific Interest (SSSI), a Special Protection Area and a Ramsar site. For this reasoning, policy ENV1 of the Core Strategy and the NPPF need to be considered.

- 3.31 Policy ENV1 states that the 'Council will maintain, restore and enhance sites of international, national and local nature conservation importance'. Although the proposed development is not considered to maintain, restore or enhance these sites, it is not considered that the proposed use would be detrimental to these special designations and Natural England do not object to the application subject to an appropriate condition being attached to an approval limiting the time frame for the use to avoid the risk of disturbance to wintering birds.

Public footpath no.26 is located alongside the western and southern boundaries of the site. It is not considered that the proposed use would be detrimental to the footpath. An informative could be attached to an approval ensuring that the footpath is not obstructed as part of this development.

**PARKING**

- 3.32 ECC Highways department do not object to the proposal. Within the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 there is a requirement for team sports (including outdoor sports pitches) to provide 20 vehicle spaces per pitch plus one space per 10 spectator seats, 10 cycle spaces plus 1 space per 10 vehicle spaces, 1 powered two wheeler space plus 1 per 20 car spaces (for 1st 100 car spaces)

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then 1 space per 30 car spaces (over 100 car spaces) and 3 disabled bays or 6% of total capacity whichever is greater. The application shows no parking provision for the new cricket pitch, therefore it is unclear as to where people would park for this facility. The appearance of such parking provision would need to carefully consider the MGB. The existing pitch, having existed since 1881, according to the information provided within the application form, has some informal parking arrangements and is used without being particularly accessible by public transport. It is considered that parking may be acceptably incorporated within the proposed site, however, a planning condition requiring such details to be agreed prior to commencement of the pitch should be attached to an approval.

- 3.33 Whilst ECC highways department objected to the 2003 application for football pitches, as virtually all journeys to the site would be car borne and because it would intensify use of the access onto Stambridge Road, such concerns have not been raised within the current application. The cricket pitch proposal differs to the refused football pitches with only one pitch proposed in comparison to the 10 football pitches (also with a parking area for 75 vehicles), attracting far fewer people than with the football pitch proposal. It also should be noted that the proposed cricket pitch relates to a cricket club that already operates in close proximity to this site whereas the football pitches would have been entirely independent of existing uses. Thus the current proposal can be distinguished from previous proposal and decision.

Representations:

- 3.34 STAMBRIDGE PARISH COUNCIL - Please be advised that Stambridge Parish Council does not object to the application for the proposed change of land use, but would like to raise that there is a possibility of flooding in this area.
- 3.35 RDC ENVIRONMENTAL SERVICES - No adverse comments.
- 3.36 RDC ARBORICULTURAL CONSULTANT – No comment
- 3.37 ECC HIGHWAYS – De-minimis
- 3.38 ENVIRONMENT AGENCY – The application lies within Flood Zone 3. The applicant and site users should be aware of this risk. Further, the applicant should approach us as they may require a Flood Defence Consent.

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- 3.39 NATURAL ENGLAND – Comments as follows:
- The application site is in the vicinity of an area which forms part of the Crouch and Roach Estuaries SPA and Ramsar site. The location of the proposal in relation to this European and Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulation 61.
  - Based on the information provided, Natural England has no objection to the proposed development subject to the inclusion of our recommended condition(s) and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that subject to the inclusion of our recommended condition(s), the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the Crouch and Roach Estuaries SPA and Ramsar site.
  - The condition that we recommend is:
  - The proposed cricket pitch is not to be used for any sporting, recreational or leisure purposes between the 1st November and the 31st March inclusive in any year.
- 3.40 REASON – To avoid the risk of disturbance to the wintering birds which form one of the interest features of the Crouch and Roach SPA and Ramsar site.
- The conservation feature under consideration for the European and Ramsar site is among the features of interest for which the Crouch and River Estuaries Site of Special Scientific Interest (SSSI) is notified. As such, Natural England's advice on the European and Ramsar site also applies in relation to these features of the SSSI.
  - There are also a number of additional features of interest exclusive to the SSSI. However, Natural England is satisfied that these additional interest features will also not be harmed by the proposed development.
  - Paragraphs 56-69 of Circular 06/1005 accompanying PPS9 provides detail on the legislative regime governing SSSIs. Section 28G of the Wildlife and Countryside Act 1981 (as amended) includes a duty on public bodies, including local planning authorities, to "take reasonable steps, consistent with the proper exercise of the authority's functions, to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

**REFUSE**

- 1 The proposed cricket pitch which is located within flood zone 3, due to the absence of a flood risk assessment, is considered to be contrary to the National Planning Policy Framework and policy ENV3 of the Core Strategy. Without such an assessment the Local Planning Authority cannot fully assess the proposal and its potential impact in terms of flooding.

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**Relevant Development Plan Policies and Proposals**

GB1, GB2, CLT10, T3, T8, of the Rochford District Council Core Strategy 2011

Supplementary Planning Document 3 - Playing Pitch Strategy

Policy CC1 of the Essex and Southend-on-sea Replacement Structure Plan (2001)

National Planning Policy Framework (March 2012)

Technical Guidance to the National Planning Policy Framework (March 2012)

Playing Pitch Strategy Supplementary Planning Document (not adopted)



Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Claire Robinson on (01702) 546366.

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## **CODE OF GOOD PRACTICE FOR PLANNING MATTERS**

### **A. Introduction**

#### **1. The aim of this code of good practice**

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

#### **2. Your role as a Member of the Planning Authority**

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

#### **3. When the Code of Good Practice applies**

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

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

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

### **C. Development Proposals and Interests under the Members' Code**

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

**Do** then act accordingly.

Where your interest is personal and prejudicial:-

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

#### **D. Fettering Discretion in the Planning Process**

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

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

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

determine the proposal purely on its planning merits).

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

**E. Contact with Applicants, Developers and Objectors**

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

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

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

#### **F. Lobbying of Councillors**

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

**G. Lobbying by Councillors**

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

#### **H. Site Visits**

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

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

#### **I. Public Speaking at Meetings**

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

#### **J. Officers**

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

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

#### **K. Decision Making**

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

#### **L. Training**

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