

Planning Policy Sub-Committee - 3 January 2002

Minutes of the meeting of the **Planning Policy Sub-Committee** held on **3 January 2002** when there were present:

Cllr Mrs J M Giles (Chairman)

Cllr T G Cutmore
Cllr A Hosking
Cllr C R Morgan
Cllr R A Pearson

Cllr R E Vingoe
Cllr Mrs M J Webster
Cllr D A Weir
Cllr Mrs M A Weir

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr K A Gibbs.

SUBSTITUTES

Councillor P F A Webster.

OFFICERS ATTENDING

S Scrutton – Head of Planning Services
P Whitehead – Senior Planner
J Bostock – Principal Committee Administrator

125 DECLARATIONS OF INTEREST

Councillor Mrs J M Giles declared an interest in the proposed local plan policy on telecommunication masts by virtue of her son working in the telecommunications industry and took no part in the decision thereon.

126 MINUTES

The Minutes of the meeting held on 31 October 2001 were approved as a correct record and signed by the Chairman.

Matters Arising

Minute 124 – Rochford District Replacement Local Plan – Further Draft Policies

NOTE: Councillor R A Pearson declared a non-pecuniary interest in this item by virtue of his role as Chairman of the East of England

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Branch of the National Housing and Town Planning Association (ROOM), for which the Planning Agent in question acted as Secretary.

A Member expressed concern at a letter they had received from a Planning Agent relating to a current planning application. Members had resolved to remove the site from the Green Belt as part of the current review of Green Belt boundaries (which itself forms part of the Local Plan review). The letter indicated that, given this decision, the Council would be liable to pay the applicant's costs at appeal if the current application was refused.

The Head of Planning Services advised that:-

- The letter was incorrect in assuming costs would be awarded. Consideration must be given to all aspects of a Planning Application, and, if matters such as design or layout are unacceptable, then an application can be turned down.
- Planning Authorities frequently received correspondence from Planning Agents indicating that costs would be sought if Planning Applications are refused or enforcement action taken.

127 ROCHFORD DISTRICT REPLACEMENT LOCAL PLAN DRAFT POLICIES

The Sub-Committee considered the report of the Head of Planning Services which sought approval for a number of policies to be included in the first deposit draft of the replacement local plan.

The Sub-Committee reviewed each proposed policy in detail.

Responding to Member questions, the Head of Planning Services advised that:-

- The accompanying text would identify the various agencies consulted on the creation of inter tidal habitats and the involvement of the Secretary of State , and would highlight that managed retreat can also be a means of flood protection.
- A speaker from English Nature would be invited to a future meeting of the Sub-Committee to outline the role of English Nature in the consultation process.
- The percentages associated with criteria for non-retail uses within primary shopping frontages (policy SAT2) would be set out in the accompanying text. The Government had indicated that it wanted to review the possibilities for changes in the Use Classes Order in the near future.

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- Officers would be arranging communication to remind shopkeepers of the Council's general planning policy and design guidance relating to security shutters.
- Reference to the Government's role in the formulation of policies would be woven into the commentary.

The Sub-Committee agreed a motion, moved by Councillor R E Vingoe and seconded by Councillor P F A Webster, relating to the ecological value of land and it was:-

RECOMMENDED

- (1) That the policies, as revised and set out in the Appendix attached to these Minutes, be approved for inclusion in the replacement Rochford District Local Plan first deposit draft.
- (2) That Officers give consideration to framing a policy which recognises a need for ecological value to be placed on land before any development or preparation for development takes place. This to provide for a mechanism so that, when developers are considering an area of high ecological value, an impact study is undertaken. (HPS)

The meeting closed at 9.53pm.

Chairman _____

Date: _____

**ROCHFORD DISTRICT REPLACEMENT LOCAL PLAN
DRAFT POLICIES**

NATURAL RESOURCES CHAPTER:

POLICY - COASTAL PROTECTION BELT

Within the Coastal Protection Belt priority will be given to the protection of the rural and undeveloped coastline. Applications for development will not be granted planning permission unless it can be shown that the development would not adversely affect the open and rural character of the coastline, or its historic features or wildlife.

POLICY - HISTORIC LANDSCAPE

Development which would adversely affect the historic importance, existing landscape character or physical appearance of Ancient Landscapes or Ancient Woodlands, as defined on the proposals map, will not be permitted.

POLICY - TREE PROTECTION

Applicants will provide an arboricultural method statement in all cases where a development proposal could affect a preserved tree(s). Proposals for development that would adversely affect the amenity value or viability of preserved trees will be refused.

In exceptional cases, where the loss of a preserved tree is clearly outweighed by other material considerations, the felling of a preserved tree may be justified, subject to the planting of a replacement tree of an appropriate type and size, and in a suitable location.

POLICY - SPECIES PROTECTION

Planning permission will not be granted for development likely to cause material harm to species protected under English and/or European Law. Where development is permitted that is likely to have an adverse affect upon the habitat of protected species, the local planning authority will impose conditions and/or seek the completion of a legal agreement in order to:

- a) secure the protection of individual members of the species;
- b) minimise the disturbance to the species; and,
- c) provide adequate alternative habitats to sustain at least the current levels of population.

POLICY [NUMBER] - OTHER LANDSCAPE FEATURES OF IMPORTANCE FOR NATURE CONSERVATION

When considering proposals for development the Local Planning Authority will seek to protect the following landscape features from loss or damage:

- Hedgerows
- Linear tree belts
- Plantations and woodlands
- Semi-natural grasslands
- Marshes
- Watercourses
- Reservoirs
- Lakes
- Ponds
- Networks or patterns of other locally important habitats

Where development is permitted that would involve the unavoidable loss of such features, the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement to secure the provision of a replacement feature of equivalent value, and to ensure the future management thereof.

POLICY [NUMBER] - DEVELOPMENT WITHIN THE FLOODPLAIN

Applications for development within floodplains will be accompanied by full flood risk assessments to enable the Local Planning Authority to properly consider the level of risk posed to the proposed development throughout its lifetime, and the effectiveness of flood mitigation and management measures.

Within developed areas of the floodplain (as indicated on the LPSPG map) development may be permitted, subject to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

Within sparsely developed and undeveloped areas of the floodplain (as indicated on the LPSPG map), commercial, industrial and new residential development will not be permitted except in exceptional cases. Other applications (including applications for the replacement of existing dwellings on a one-for-one basis) will be considered on their merits, having regard to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

Within the functional floodplain (as indicated on the LPSPG map) buildings will not be permitted except in wholly exceptional cases. Other applications will be considered on their merits, having regard to the conclusions of the flood risk assessment and the suitability of the flood mitigation and management measures recommended therein.

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POLICY [NUMBER] - SUSTAINABLE DRAINAGE SYSTEMS

The above policy is to be redrafted, and presented to a future Committee for consideration.

POLICY - CREATION OF INTERTIDAL HABITATS

The creation of new intertidal habitats will be permitted provided it can be demonstrated through consultation with the appropriate bodies that the benefits of the proposed new habitats clearly outweigh the resultant loss of other natural habitats, agricultural or other land.

RURAL ISSUES CHAPTER:

POLICY R11 - FARM DIVERSIFICATION

Within the Metropolitan Green Belt, the re-use of buildings in farm diversification schemes will be permitted, provided that the proposed use would complement the agricultural operations on the farm and be operated as part of the holding. The extension of an existing building or the erection of a new building (either to replace an existing building or to accommodate the expansion of an existing enterprise) may exceptionally be permitted if it can be demonstrated that the proposal would satisfy sustainable development objectives. All applications will be expected to comply with Policies R9 and R10.

POLICY R12 - NEW RETAIL USES

Within the Metropolitan Green Belt, planning permission will not be granted for the construction of new buildings for retail use, or for the re-use of existing buildings for the sale of comparison goods. The re-use of buildings for retail use may, however, be permitted if the application proposes:

- (i) a general store, intended to sell a broad range of convenience goods, and is well located in relation to the settlement it is intended to serve; or,
- (ii) a farm shop situated on an agricultural holding, and intended to sell food, whether processed or unprocessed, produced on that holding, in addition to food and other convenience goods from elsewhere;

Applications for farm shops will be considered having regard to the potential impact on nearby village shops. Where such a use would likely result in a significant adverse effect on a village shop, or shops, a planning condition may be imposed to limit the broad types of goods sold. Applications will additionally be expected to comply with Policy R10, above.

TOWN CENTRES CHAPTER:

POLICY SH2 - NON-RETAIL USES WITHIN PRIMARY SHOPPING FRONTAGES

Within the Primary Shopping Frontages of Rayleigh, Rochford and Hockley defined on the Town Centre Proposals Maps, the change of use of the ground

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floor of premises to non-retail use will be permitted provided that **all** of the following criteria are met:

- a. the use proposed would be appropriate within a Primary Shopping Frontage, and would support its vitality and viability;
- b. the proposal would not result in an over-concentration of non-retail uses in part of the Primary Shopping Frontage;
- c. the proposal would not result in the undue dominance of non-retail uses in the Primary Shopping Frontage as a whole;
- d. the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and,
- e. where the proposal relates to a premises with an existing shopfront, the shop window would continue to be used for display purposes.

POLICY SH3 - NON-RETAIL USES WITHIN SECONDARY SHOPPING FRONTAGES

Within the Secondary Shopping Frontages of Rayleigh, Rochford and Hockley defined on the Town Centre Proposals Maps, the change of use of the ground floor of premises to non-retail use will be permitted provided that all of the following criteria are met:

- a. the use proposed would be appropriate within a Secondary Shopping Frontage, and would support its vitality and viability;
- b. the proposal would not result in an over-concentration of non-retail uses in part of the Secondary Shopping Frontage;
- c. the proposal would not result in the undue dominance of non-retail uses in the Secondary Shopping Frontage as a whole;
- d. the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and,
- e. where the proposal relates to a premises with an existing shopfront, the shop window would continue to be used for display purposes.

POLICY SH4 - THE CHANGE OF USE OF NEIGHBOURHOOD OR VILLAGE SHOPS

Outside the Town Centres, the change of use of the ground floor of existing retail premises to non-retail use will only be permitted if all of the following criteria are met:

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- a. the loss of the retail unit is justified because the unit has been vacant for a period of 12 months (minimum) or because the existing use is not financially viable. In either case, applicants should be able to demonstrate that all reasonable attempts have been made to sell/let the premises for retail use, but without success;
- b. the use proposed would serve the day-to-day needs of local residents;
- c. the use proposed would not reduce the quality of life of residents living in the immediate vicinity of the premises, by virtue of noise, disturbance, cooking smells, litter or other factors;
- d. the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and,
- e. where the proposal relates to a premises with an existing shopfront, the shop window would continue to be used for display purposes.

POLICY SH5 - SERVICING

Off-street servicing should be an integral part of all proposals for development/redevelopment within Town Centres. The provision of new or improved off-street servicing facilities to serve existing development will also be encouraged when opportunities arise.

POLICY SH6 - SHOPFRONTS: DESIGN AND SECURITY

Shopfronts should be designed to complement the style and proportions of the affected building, and to those adjoining it. Shopfront designs should also incorporate any features necessary to ensure the security of the premises, and its contents, but in doing so have regard to Policy SH7. All applications should comply with the guidance of LPSPG [insert number [Shopfronts - Security and Design]].

POLICY SH7 - SECURITY SHUTTERS

Planning permission for the installation of external roller shutters or grilles will be refused. Where, exceptionally, non-roller type external shutters or grilles are permitted, they should comply with the guidance of LPSPG [insert number [Shopfronts - Security and Design]].

POLICY SH8 - ADVERTISEMENTS: GENERAL POLICY

Advertisements should be designed and sited so as to relate to the character of the buildings on which they are displayed as well as the surrounding area. Regard will be had to the location, size, materials, design, intensity of illumination and relationship with the buildings to which they are attached.

POLICY SH9 - ADVERTISEMENTS WITHIN CONSERVATION AREAS

Within Conservation Areas the use of internally illuminated fascias and projecting box signs will not be permitted. Where illuminated signs are exceptionally permitted illumination shall take the form of spot lighting of hanging signs or other discreet forms of lighting. Traditional wooden, painted

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fascias and hanging signs will be preferred to coloured plastic fascias and boxes.

POLICY SH11

The Local Planning Authority will exercise strict control to prevent a proliferation of advertisements, especially above the ground floor of retail or commercial premises, and at petrol filling stations.

HOUSING POLICIES

POLICY HP12

The Local Planning Authority will encourage developers to incorporate energy conservation measures in new housing. In preparing schemes, close regard will be given to the influence that the siting, orientation, layout, building design, and landscaping has on energy conservation.

POLICY HP14

In new residential development schemes of more than 25 dwellings or residential sites of 1 hectare or more, the Local Planning Authority will expect at least 25% of the new dwellings to be provided as affordable housing to meet local needs.

Arrangements will be required to ensure that the affordable housing is retained in perpetuity for the use of successive as well as initial occupiers: This will be best achieved through the involvement of a housing association. The developer will be expected to enter into an agreement with the authority under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure the provision.

POLICY HP15

All new development schemes will be expected to reflect the crime prevention guidelines on design and layout included in LPSPG[insert number]. In addition, the Local Planning Authority will consult the Police and other relevant specialist groups for advice and guidance on appropriate crime prevention measures within new development schemes.

POLICY HP16

In considering proposals for purpose built flatted accommodation, the Local Planning Authority will have regard to:

- i. The impact of traffic on the amenities of surrounding dwellings;
- ii. The relationship of storage and communal areas to surrounding dwellings and private garden areas;
- iii. In areas of single family dwellings, the compatibility of the proposed scheme with its surroundings in terms of height, bulk and spaciousness of the site; and
- iv. To the guidance in LPSPG1 and LPSPG2 on layout, design and parking standards.

POLICY HP17

In considering proposals for sheltered housing schemes, the Local Planning Authority will have regard to:

- i. The impact of traffic on the amenities of surrounding dwellings;
- ii. The relationship of storage and communal use areas to surrounding dwellings and private garden areas;
- iii. The accessibility of the scheme to shops and facilities catering for everyday needs, and to public transport stops;
- iv. In areas of single family dwellings, the compatibility of the scheme with its surroundings in terms of height, bulk and spaciousness of the site;
- v. The adequacy of private outdoor amenity space; and
- vi. To the guidance in LPSPG1 and LPSPG2 on layout, design and parking standards.

POLICY HP18

The Local Planning Authority will require developers to consider the provision of an element of 'lifetime' mobility housing within new estates.

POLICY HP20

In considering applications for the development of backland sites for housing purposes, the Local Planning Authority will have regard to:

- i. The need for a satisfactory and adequate means of access;
- ii. The relationship of new to existing buildings;
- iii. The scale and visual appearance of the proposed development; and
- iv. To the guidance in LPSPG1 and LPSPG2 on layout, design and parking standards.

POLICY HP28

In considering applications made by Gypsies for private sites for settled occupation regard will be had to:

- i. Any opportunity thereby afforded to clear unauthorised sites;
- ii. The avoidance of disturbance, including disturbance at unsocial hours, affecting neighbouring land or premises;
- iii. The practicability of adequately screening (where accepted) any working or storage areas by establishing new or maintaining or reinforcing existing plantations or mounds;
- iv. The protection of the best and most versatile agricultural land, historic woodlands, ancient landscapes, wildlife habitats or areas designated for their special scientific interest;

- v. The adequacy of arrangements for access, for parking and manoeuvring of vehicles and (where appropriate) for the storage of goods and materials;
- vi. The availability of services;
- vii. The arrangements made for securing the site in the event of its seasonal or other temporary periods of non-occupation; and

TELECOMMUNICATIONS

POLICY [NUMBER] – TELECOMMUNICATIONS

Applications for planning permission or prior approval for telecommunications masts will be considered on their merits having regard to:

- Siting, including the relationship to existing development;
- Appearance and impact on landscape setting;
- Site landscaping and screening proposals;
- Impact on protected areas including SSSIs and ancient woodlands;
- Evidence of consideration of alternative sites, mast sharing, use of pylons or other existing structures; and
- The outcome of pre-application discussions where a mast is within 100 metres of a school.