



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 20th February 2003**

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

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

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

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

PLANNING SERVICES COMMITTEE - 20 February 2003

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

GRANGE

Cllr C J Lumley

Cllr J R Lumley

HAWKWELL SOUTH

Cllr P A Capon

Cllr Mrs H L A Glynn

HAWKWELL WEST

Cllr J R F Mason

Cllr Mrs M A Weir

ROCHFORD

Cllr R A Amner

Cllr Mrs L Barber

Cllr Mrs M S Vince

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

**PLANNING SERVICES COMMITTEE - 20 February 2003 Item D1
Deferred Item**

TITLE : **02/00798/FUL
ERECT TWO STOREY BUILDING COMPRISING 8NO. FLATS
(DEMOLISH EXISTING DWELLINGS)
72-74 THE APPROACH RAYLEIGH**

APPLICANT : **MR M D GATRELL**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **GRANGE**

- 1.1 This item was deferred from the last meeting for a Member site visit. That has now been arranged to take place before the meeting.
- 1.2 To assist Members, the item and plan as they appeared previously is repeated below.
- 1.3 Also Members may recall a further letter of objection reported on the addendum reiterating concerns relating to loss of privacy and surface water flooding.

PLANNING APPLICATION DETAILS

- 1.4 The application site lies on the corner of The Approach and Landsdowne Drive, and currently accommodates a pair of semi-detached dwellings.
- 1.5 The application proposes the demolition of the existing dwellings and the erection of a two storey block comprising 8no. flats. Seven of these would have two bedrooms, one would have a single bedroom.
- 1.6 The building would be L-shaped, fronting both The Approach and Landsdowne Drive.
- 1.7 A total of 8no. parking spaces to serve the development.
- 1.8 Members will recall a number of earlier applications for flatted development on this site, two of which were refused permission. An appeal against one of these decisions was recently dismissed (ref. 01/00871/OUT) and the discussion below examines this decision in some detail.

RELEVANT PLANNING HISTORY

01/00256/OUT – Erection of a block of 10no. flats - REFUSED

01/00871/OUT – Erection of a block of 8no. 2-bed flats - REFUSED, APPEAL
DISMISSED

02/00395/FUL - Erection of Part Three Storey Block containing 8 flats - WITHDRAWN

CONSULTATIONS AND REPRESENTATIONS

- 1.9 The application has been subject to two rounds of consultation and notification, firstly when the application was received and secondly upon receipt of revised plans.

First Round

- 1.10 **Rayleigh Town Council** object to the application as it is considered to be an over development of the site and visually intrusive
- 1.11 **County Surveyor (Highways) - *de minimus***
- 1.12 **Rayleigh Civic Society** considers the proposal by reason of its bulk and size out of character with the area. In its opinion the site is not large enough to accommodate the proposed development and would worsen the existing substandard situation and reduce the privacy of residents in Landsdowne Drive.
- 1.13 **Anglian Water** – recommends a condition requiring the approval of surface water/foul drainage
- 1.14 **Police Crime Reduction Officer** - no objections, makes advisory comments regarding screening, lockable gates, lighting and doors/windows
- 1.15 **Head of Housing Health and Community Care** - considers that there is a potential for nuisance arising from the proximity of the development to the railway line that may give rise to disturbance to residents of the flats. If Members are mindful to approve the application, a number of informatives are recommended, dealing with burning of waste on site, the glazing of the windows, SI16 (control of nuisances), together with an investigation of the site to ensure it is free from any significant levels of contamination.
- 1.16 **Buildings/Technical Support (Engineers)** - notes surface water flooding experienced in area, particularly at the rear of No.1 Landsdowne Drive. Section of The Approach in front of the site is unadopted and unmade surface.
- 1.17 A total of four letters have been received objecting to the proposals on the following broad grounds:
- Loss of light to surrounding properties
 - Loss of privacy to surrounding properties
 - Increase in noise, air pollution and rubbish
 - Devaluation of property

- Building will be overbearing and dominant in street scene
- Bulk and mass out of character with existing development
- Will result in further traffic congestion
- Overdevelopment
- The overall number of schemes in The Approach will change the character of the street

Second Round

- 1.18 **Rayleigh Town Council** repeats its previous objection to the scheme.
- 1.19 **Rayleigh Civic Society** repeats its previous objection to the scheme.
- 1.20 **County Surveyor (Highways)** - *de minimus*.
- 1.21 Five further letters of objection were received from local residents, which broadly restate the objections of the letters received earlier. Several of the letters do, however, refer to the appeal decision, considering that this rules out the possibility of flats on this site. The matter of drainage is also raised. One of the letters queries the accuracy of the drawings and, consequently, the size of the amenity area shown.
- 1.22 A petition with 41 signatories has been received, objecting to the proposals on the following grounds:
1. Not in keep with the area
 2. Overcrowding of the site
 3. Increase in traffic
 4. Increase in pollution
 5. Increase in noise
 6. Invasion of privacy

MATERIAL PLANNING CONSIDERATIONS

- 1.23 Policies H11 and H16 of the Local Plan, together with Policies CS1, BE1 and H2 of the Replacement Structure Plan provide a policy basis for determination of the application.
- 1.24 The key material considerations in this case are considered to be:
- The acceptability of flatted development in The Approach
 - The compatibility of the proposed development with existing development in The Approach, Landsdowne Drive and Swallow Close
 - The effect upon the amenities of the nearest neighbours
 - Car Parking
 - Traffic
 - Drainage

- 1.25 The recent appeal decision also constitutes an important material consideration, providing a view upon all of the matters listed above.
- 1.26 **The acceptability of flatted development in The Approach**
Members will recall a number of recent applications for flatted development on this site and, indeed, in The Approach generally. However, none of these have been refused on the basis that flatted development would be inappropriate in The Approach.
- 1.27 The introduction of flatted development into The Approach was considered by the Inspector dealing with the recent appeal on this site. His conclusion, having first noted the variety of house types in the road, was as follows: *'whilst none of these [house types] appear to feature flats, I do not consider the introduction of this type of residential accommodation could be judged to have an adverse effect for that reason.'*
- 1.28 It is also pertinent to note the government guidance espoused in PPG3, paragraph 10 of which states:
- 1.29 *'The government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. Local Planning Authorities should encourage the development of mixed and balanced communities: they should help to ensure a better social mix by avoiding the creation of large areas of housing of similar characteristics.'*
- 1.30 For these reasons, it is considered that the introduction of purpose-built flats into The Approach is acceptable in principle.
- 1.31 **Compatibility in the Street Scene**
Whereas the existing dwellings on the site front The Approach, the application proposes an L-shaped building, fronting both The Approach and Landsdowne Drive. Moreover, whilst the existing dwellings are set back some 7.5m from The Approach and 10m from Landsdowne Drive, the application proposes a building situated 4.4m (min) from The Approach and 2.6m (min) from Landsdowne Drive.
- 1.32 Clearly then, the siting of the building differs from that of the existing building. The question though, is whether such a siting is harmful to the street scene.
- 1.33 Looking at existing development in The Approach, it is apparent that there is no rigid 'building line.' Some properties are set back with front gardens to the fore, other properties virtually front onto the pavement.
- 1.34 With regard to Landsdowne Drive, properties are generally set back from the road and have front gardens of perhaps 7m. (It should be noted that Landsdowne Drive bends towards its junction with The Approach and whilst the original dwelling is set back by 7m, a single storey garage extension to the side projects towards the road, reducing this distance to 3.8m. However, this element is not prominent in the street scene, and it is not considered that it assists in the consideration of the application one way or the other.)

- 1.35 Looking at the recent appeal decision, it is difficult to glean much that assists in consideration of the current application. The Inspector concluded that *'the existing semi-detached houses on the appeal site are angled away from houses in Landsdowne Drive, therefore have their backs to that area and are accessed over a short cul de sac. For these reasons I consider that the visual relationship between the appeal site and the housing in Landsdowne Drive is not a critical consideration in this case'*; and that, *'the proposal would not in my view contravene any significant or well established building lines in the area,'* however, given that the appeal building had a different footprint and siting relative to the current proposal, it is difficult to draw much from these observations.
- 1.36 What should be emphasised, however, is that the Inspector found the scale/siting of that building acceptable, and dismissed the appeal solely for reasons relating to overlooking. Indeed, in these regards the Inspector appears generally supportive of the scheme, drawing attention to the *'wide variety of house types in the immediate vicinity'* and stating that the development would *'add to the existing diversity of housing that is already a notable feature of this residential area, and would replace housing which is unexceptional in its own right and which makes only a modest contribution to local visual quality.'*
- 1.37 In street scene terms, the site's corner location is considered the most important factor in determining the compatibility of the building's siting. Whilst due regard must be paid to the prevailing character of both adjoining streets, it is considered that the location of the site is such that it 'reads' as an individual site, rather than an integral part of either street. Certainly, it is not considered that either street prescribes a specific building line in respect of the application site.
- 1.38 Corner sites often offer the potential to accommodate 'landmark' buildings that provide visual interest and character to the street as a whole. This is considered to be true in this case.
- 1.39 Having regard to the above and, subject to consideration of the scale of the building, it is not considered that the siting of the building would be injurious to the character of the street scene.
- 1.40 The application as originally submitted proposed a building approximately 9m in height, with a half-hipped roof and front gable feature. Whilst 9m is not unusually high for a dwelling with a traditionally steep pitched roof, the site is situated on higher land relative to Landsdowne Drive, and the overall scale of the building was considered excessive.
- 1.41 The revised plans before the Committee illustrate the height of the building reduced to 8.3m (a relatively modest height for a two storey building) and the slab of the building articulated to take account of the reduction in ground level on the side of the site adjoining The Approach. It is considered that these amendments result in a building that takes account of the relative height and scale of properties in Landsdowne Drive.

- 1.42 The revised plans also illustrate the use of a hipped roof, which, again, will also reduce the visual mass of the building.
- 1.43 With regard to the building's presence in The Approach, it is noted that the most dominant feature at this end of The Approach is currently the terrace of properties in Swallow Close that lie immediately to the west. These are set on appreciably higher ground/slab levels than the existing dwellings on the application site. The proposed flats will be seen against the backdrop of these buildings.
- 1.44 Overall, it is considered that the revised plans result in a building that will not be unduly dominant in the street scene, a building that will make a statement but not, it is considered, a negative one.
- 1.45 **Effect on Amenities of Neighbours**
To consider the issue of overlooking, the Council employs the guidance of the Essex Design Guide, which has been adopted as supplementary planning guidance.
- 1.46 In cases where the backs of houses are at more than 30 degrees to one another, the minimum separation between properties should be 15m. The Design Guide notes that the 15m should be measured from the nearest corner of the dwelling.
- 1.47 It is important to the note that the distance between the existing semi-detached dwellings on the application site and 1 Lansdowne drive is 14m, with a total of four windows facing towards that property. By today's standards then, this arrangement is substandard and is considered to result in a loss of privacy to 1 Lansdowne Drive.
- 1.48 The application recently dismissed on appeal proposed a building containing eight windows at first floor facing towards 1 Lansdowne Drive, and sited 300mm closer to that dwelling than the existing building. The Inspector's conclusion was that the appeal proposal would materially worsen the existing substandard situation, and he dismissed the appeal on this basis.
- 1.49 In the current application, a total of four windows are proposed in the rear elevation of the building, as with the existing building. However, the building would be situated 15m from 1 Lansdowne Drive in compliance with Essex Design Guide standard.
- 1.50 It is therefore concluded that the proposal would actually be an improvement over the existing situation, and would comply with the Council's adopted standard. The proposal can, therefore, be clearly distinguished from the proposal recently dismissed on appeal.
- 1.51 With regard to the impact on properties in Swallow Close, no first floor windows are proposed in the end elevation of the building closest to them. Moreover, the windows in the return of the building would be situated more than 25m from them, and comply with the normal back-to-back distance applied in such situations. The proposal is therefore considered acceptable in this regard.

- 1.52 With regard to whether the scale or siting of the proposed building would have a detrimental impact upon neighbouring occupiers, the following points are considered pertinent.
- 1.53 Firstly, it is noted that the end elevation of the building closest to properties in Swallow Close would be the same distance from them as the existing dwelling and would be 7m in height, a slight reduction relative to the existing dwelling.
- 1.54 Secondly, with regard to the impact on 1 Lansdowne Drive, as noted above the part of the building facing towards that property would be set 1m further away than the rear of the existing dwellings. Whilst the return of the building would be situated somewhat closer, this part of the building would flank onto the flank of 1 Lansdowne Drive, in fact the single storey garaging element of that property, a common and wholly acceptable relationship.
- 1.55 **Car Parking and Traffic Issues**
Neither of the previous applications for flatted development on this site were refused because of parking or traffic issues. The outline scheme recently determined on appeal for 8no. 2-bed flats proposed a total of 12 spaces, although it was conceded that this could reduce to 8-10 spaces to comply with highway requirements.
- 1.56 The Inspector dealing with the recent appeal concluded that 'the site is well placed to take advantage of public transport connections and town centre services' and that the scheme included what he considered to be adequate parking provision.
- 1.57 The current application proposes a total of 8 spaces.
- 1.58 The Council's adopted parking standards (as set out in the Local Plan) require 1.5 spaces per flat, which would result in a demand for 12 spaces in this case. However, the Council's emerging standards, which were produced against the background of government guidance that seeks to reduce parking standards in areas of high accessibility, require a total of 8 spaces.
- 1.59 It is considered that the site is located in a central location to which the lower standard should be applied and, indeed, this view is consistent with the conclusions of the recent appeal Inspector.
- 1.60 The application of this standard would also be consistent with other recent decisions in Rayleigh and elsewhere in the District.
- 1.61 This said, the current parking layout is not considered acceptable as certain of the spaces do not provide satisfactory pedestrian visibility. However, it is considered that an acceptable parking layout can be achieved on the site, and that the approval and provision of this can be the subject of a planning condition.

- 1.62 In their representations, many local residents refer to the traffic congestion that occurs in The Approach at peak times. The question though is whether the application proposal would materially worsen this congestion. Whilst the earlier applications were not refused by the Council for traffic reasons, the appeal Inspector nevertheless considered this matter in his Decision Letter, concluding as follows:
'Whilst it is probable that the appeal proposal would increase traffic movement in the area, in my view the level of increase would be modest given the nature of the proposed development. Given the very close proximity of the appeal site to the railway station and other public transport, I consider it improbable that the redevelopment would add to traffic congestion during peak commuter periods.'
- 1.63 The current application proposes the same number of flats as the appeal application and, as previously, it is not considered that an objection could be substantiated on traffic grounds.
- 1.64 **Drainage**
This issue of localised flooding of adjacent sites has been raised in representations and, indeed, is noted by the Council's own engineer.
- 1.65 This matter was also raised in respect of the appealed application, and the Inspector stated as follows:
'Some reference was also made to localised drainage problems in the immediate vicinity of the appeal site. However, no evidence was provided indicating the nature of this concern, how it might be overcome or what relationship this might have to the redevelopment proposed. In these circumstances, I do not consider that the proposal could be resisted in these terms. In any case, conditions could be attached to a planning permission requiring agreement between the parties on surface water and foul drainage to be achieved and implemented as part of the overall development.'
- 1.66 In respect of the current application, Anglian Water again raises no objection, subject to the approval of surface water and foul drainage. Subject to such conditions, the proposal is considered acceptable.

CONCLUSION

- 1.67 The application proposes the erection of a two storey block containing 8no. flats, and follows the recent dismissal on appeal of an earlier scheme proposing 8no. flats, ref. 01/00871/OUT.
- 1.68 Whilst the proposed building is actually larger than building recently dismissed on appeal, that appeal was not dismissed for reasons relating to the building's scale or siting. Indeed, in his decision letter, the Inspector appears positive towards these aspects of the scheme.

- 1.69 The site is situated on a prominent street corner, in a road that contains a diverse mix of house types and scales. It is considered that the site can reasonably accommodate the building now proposed, and that it would not be harmful to the street scene.
- 1.70 With regard to the impact upon neighbours, it is noted that the existing dwellings on the site result in the overlooking of 1 Landsdowne Drive. On the other hand, the proposed building would comply with the Council's adopted standards in terms of separation and, indeed, would contain less windows in its rear elevation than the existing dwellings. With regard to impact upon dwellings in Swallow Close, the proposal would not lead to overlooking. Moreover, the separation between the proposed building and the backs of these houses is the same as exists now. In conclusion, then, it is considered that in certain regards the proposals would actually be an improvement upon the existing situation.
- 1.71 Overall it is considered that the proposal complies with the Council's standards, including the emerging parking standards. Moreover, it is considered that the proposal is consistent with PPG3 advice in terms of making most efficient use of urban land and creating mixed communities.

RECOMMENDATION

- 1.72 It is proposed that this Committee **RESOLVES** to **APPROVE** this application, subject to the following conditions:
- 1 SC4 Time Limits (Full)
 - 2 SC9A Removal of Buildings
 - 3 SC14 Materials to be Used
 - 4 SC23 PD restricted Obscure Glazing
 - 5 SC50A Means of Enclosure
 - 6 SC59 Landscaping Design
 - 7 SC74 Surface Finish
 - 8 SC75 Parking & Turning Space
 - 9 SC84 Slab levels specified
 - 10 SC90 Surface Water Drainage
 - 11 SC91 Foul Water Drainage

**PLANNING SERVICES COMMITTEE - 20 February 2003 Item D1
Deferred Item**

Relevant Development Plan Policies and Proposals:

Rochford District Local Plan First Review H11, H16

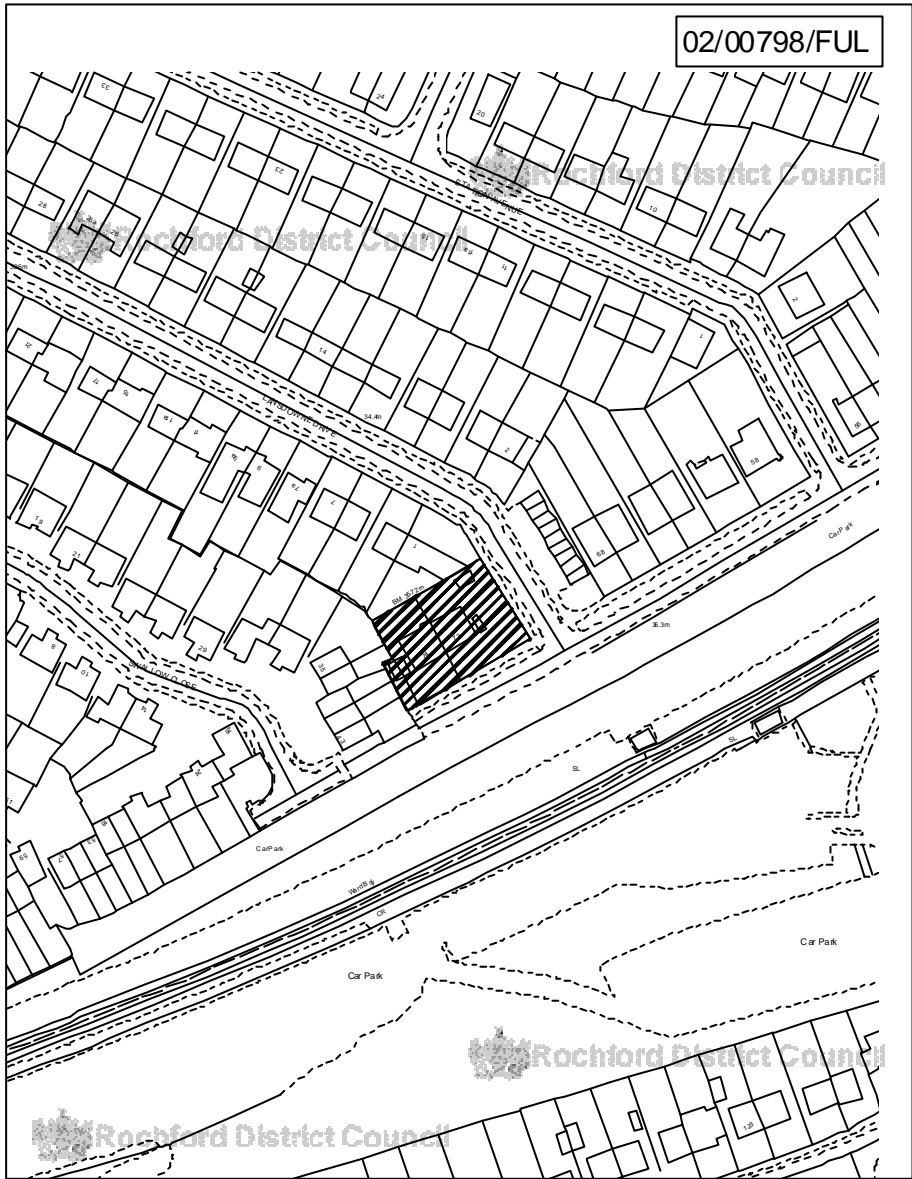
Essex and Southend-on-sea Replacement Structure Plan CS1, H2, BE1



Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.

02/00798/FUL



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PLANNING SERVICES COMMITTEE - 20 February 2003 Item 2
Referred Item

TITLE : 02/01048/COU
CHANGE OF USE OF PREMISES FROM PETROL FILLING STATION/ VEHICLE REPAIRS/ CAR SHOWROOMS TO PETROL FILLING STATION/ SHOP/ CAFETERIA, TOGETHER WITH ALTERATIONS TO FRONT AND SIDE ELEVATIONS OF BUILDING
ROCHFORD GARAGE 111 ASHINGDON ROAD, ROCHFORD

APPLICANT: MR J MOHOLKAR

ZONING: EXISTING INDUSTRIAL

PARISH: HAWKWELL PARISH COUNCIL

WARD: HAWKWELL SOUTH

This application was included in Weekly List no. 659 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 28th January 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs H L A Glynn.

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

NOTES

- 2.1 Rochford garage is located on the Ashingdon Road within an area allocated primarily for industrial use. There are residential properties to both the North and East with St. Teresa's church to the South and industrial uses to the West.
- 2.2 The proposal seeks permission for the change of use of the vehicle repairs area of the site to an extension of the shops and the change of use of the vacant car showroom, to the North of the garage, into a cafeteria. The proposal also includes alterations to the front and side elevations.
- 2.3 The proposed shop use would not create an issue on the site. It is an extension of the existing use and would primarily be used by customers using the existing petrol station and potentially by others as a local facility. It is unlikely that the trade independent of the petrol station will be of a level that would affect the amenity of the locality by creating noise and nuisance.

- 2.4 The proposed use of a portion of the site as a cafeteria that is the subject of this application is a more extensive scheme. In principle the location would not be unacceptable for such a use. Whilst outside the immediate environ of the industrial estate, the area of Ashingdon Road is residential. The nearest dwellings are located across the road from the area of the site that will form the cafeteria.
- 2.5 It would be reasonable to expect the cafeteria to have restricted opening hours in order to keep any noise or nuisance, and thus impact on residential amenity, to a minimum. There is history of A3 use being permitted within a petrol filling station, with a permission granted further along Ashingdon Road at Ashingdon Service Station CU/0653/94/ROC.
- 2.6 Whilst space would permit there is currently no organised laid-out parking bays provided on the site and if the extended shop and cafeteria is to operate then properly laid out parking is required. A reasonable requirement for this type of use would be ten spaces and there is potentially room to accommodate these on the site. Given the site location on a main road with public transport and close to Rochford Town Centre it is considered that to request eight spaces is reasonable.
- 2.7 **County Surveyor (Highways)** has no objection to the proposal.
- 2.8 **Head of Health, Housing and Community Care** - reports there is potential for increased levels of noise, disturbance and odour and recommends conditions as listed below.
- 2.9 One neighbour representation has been received. No objection is raised to the proposal as long as the opening hours are not extended as there is concern over noise and disturbance in the evening.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 No part of the A3 (Food and Drink) use hereby permitted shall operate outside of the hours 8.00am to 10.30pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays.
- 3 The public floorspace of the A3 cafeteria use hereby permitted shall be limited to the area, cross hatched A,B,C,D on the approved drawing.
- 4 SC75 Parking and Turning Space
- 5 No development shall commence before any mechanical extraction system requisite for the purposes of the A3 use has been installed in the kitchen area in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter, such equipment shall be retained and maintained in that form.

- 6 No development shall commence before any equipment for fume extraction and ventilation requisite for the purposes of the A3 use has been installed in the kitchen area in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter, such equipment shall be retained and maintained in that form.
- 7 No development shall commence before any external equipment or openings in the external walls of roofs of the building requisite for the purposes of the A3 use has been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter, such equipment and openings shall be retained and maintained in that form.

Relevant Development Plan Policies and Proposals:

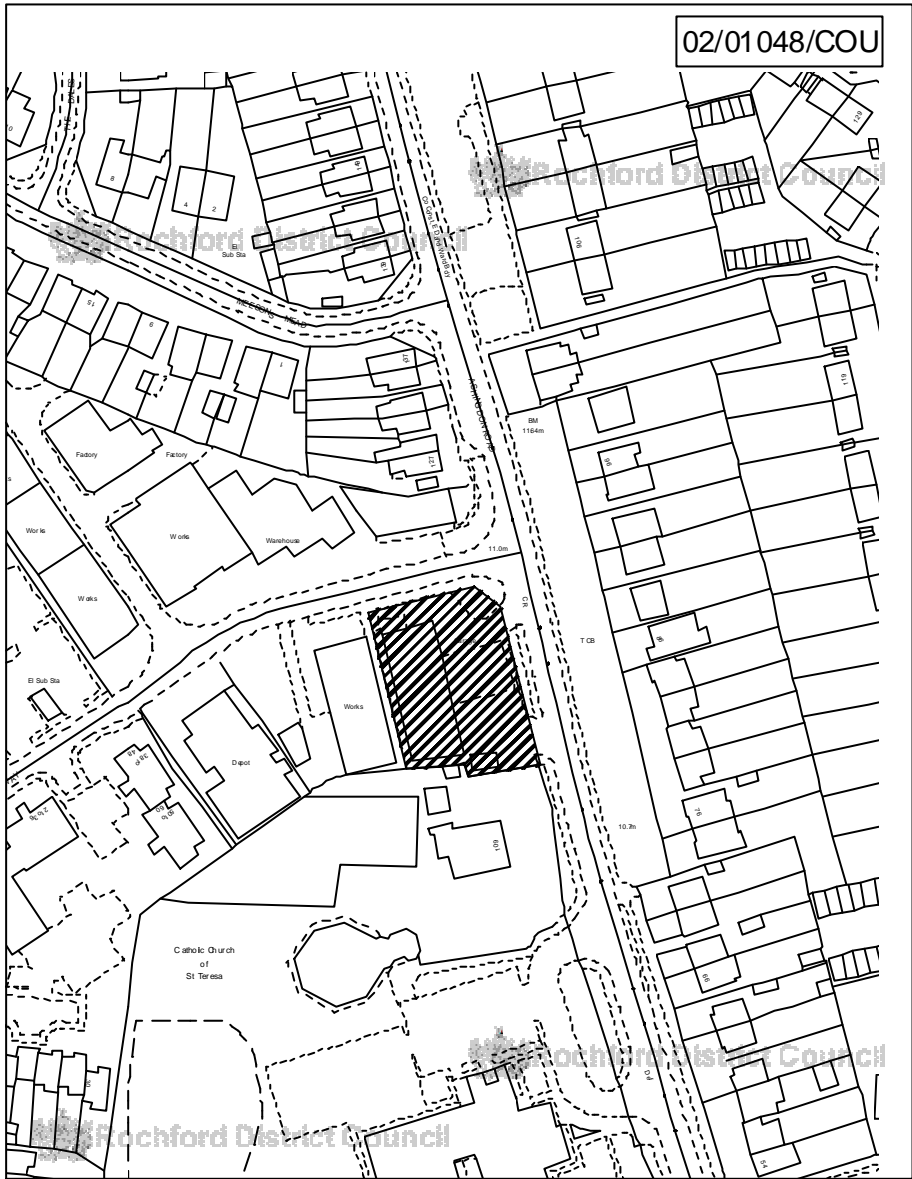
EB2, of the Rochford District Council Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Seden on (01702) 546366.

02/01048/COU



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PLANNING SERVICES COMMITTEE - 20 February 2003 Item 3

TITLE : **02/00036/FUL**
ERECT FOUR 4-BED DETACHED DWELLINGS (THREE
WITH DETACHED AND ONE WITH INTEGRAL GARAGE)
LAYOUT PRIVATE DRIVE AND ACCESS (DEMOLISH
EXISTING DWELLING)
232 EASTWOOD ROAD, RAYLEIGH

APPLICANT : **KNIGHT DEVELOPMENTS LTD**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHITEHOUSE**

SITE AREA: **0.2Ha**

PLANNING APPLICATION DETAILS

- 3.1 The proposals anticipate the demolition of the frontage dwelling at 232 Eastwood Road. In the place of this dwelling a new dwelling and access road would be provided. The access road would service a further three dwellings which are proposed to the rear (south) of the plot and behind the neighbouring dwellings at 230, 234, 234a and 236.
- 3.2 The dwellings have heights which vary, but with the greatest being to the eaves of 5.8m and to the ridge of 9.8m. Three of the dwellings are to be provided with detached double garages and the fourth is to have an integral garage, again, double. At the rear of the plot the dwellings are to be arranged around a hard surfaced turning area.

RELEVANT PLANNING HISTORY

- 3.3 Application 00/00406/OUT. This proposed the development of five dwellings on the site (one to the frontage and four to the rear). This was refused by the Authority and an appeal dismissed.

CONSULTATIONS AND REPRESENTATIONS

- 3.4 Essex County Council **Highway Authority** raise no objections subject to conditions in relation to the width of the accessway, parking spaces and the materials of construction of it.
- 3.5 Essex County Council **Urban Design Team** makes some detailed comments about building design but raises no fundamental objections. It is suggested that the integral garage to plot three could be altered to the opposite end of the dwelling.

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- 3.6 **English Nature** notes that no designated sites of wildlife interest are likely to be affected, but that bats may use the existing frontage dwelling. The presence of protected animals is a material consideration and, if any are found to be present, appropriate survey work should be commissioned.
- 3.7 The **Woodlands and Environmental Specialist** initially commented that an assessment should be provided by the developer of the impact of the proposed development on trees on/adjacent to the site. Once such an assessment was received he comments that the submitted report is thorough, accurate and relevant. He is concerned at the impact of one of the proposed dwellings in relation to two TPO trees on the site. He considers there will be a requirement to trim the trees and their future growth will not be accommodated.
- 3.8 The **Environment Agency** notes that the application site is at risk from fluvial flooding and initially objected to the proposals prior to the submission of an acceptable flood risk assessment. Now that such an assessment has been provided the EA has commented verbally (at present) that its objection is now withdrawn.
- 3.9 **Anglian Water** has no objections and reiterates its comments in relation to the previous application on this site. These were that a condition should be applied requiring details of surface and foul water drainage systems be submitted and agreed.
- 3.10 **Rayleigh Town Council** has no objections.
- 3.11 **Essex Police** Architectural Liaison Officer has no objections but suggests appropriate signage to enable the dwellings to be identified. Secured by design is promoted.
- 3.12 Rayleigh Civic Society considers that the proposals are a minor improvement to the previously refused scheme. Concern is raised with regard to the potential for damage to two trees. Privacy for some of the dwellings is considered poor and the site layout cramped. Location to avoid flood risk implications probably causes this.
- 3.13 The Property Maintenance & Highways Manager (**Engineers**) notes the location adjacent to the main river and the associated flood risk.
- 3.14 With regard to the response received from neighbouring occupiers, eleven copies of the same letter were received, four of which had no identified address. Individual responses were received from a further five other local residents. The issues raised, in the main, were:
- insufficient detail or inaccuracies on the submitted plans/ drawings;
 - loss of security, privacy and sunlight/daylight;
 - overdominant impact;
 - insufficient parking/ exacerbate congestion and road/accident hazards;
 - noise
 - inadequate pedestrian access, or for large vehicles;
 - potential flood risk;

- requirement for pumped foul drainage/ inadequate capacity;
- implications for wildlife;
- lack of attention to the issues identified as part of the earlier appeal dismissal;
- disruption/damage during construction and to the school (Wyburns) to rear.

3.15 Reconsultation has been carried out with immediate neighbours to the site on the basis of a revised site layout plan (moving the dwellings by amounts of up to 1.5m). The results will be set out in the addendum paper to the committee.

MATERIAL PLANNING CONSIDERATIONS

Previous appeal

3.16 Members will see from the detail in relation to previous applications above, that recent proposals on this site were refused by this Authority with a subsequent appeal dismissed. Despite that decision the Inspector, in the appeal decision, set out a number of views which must now have a bearing on the decision made here. They are taken into account in the appropriate section of the report below.

Trees

3.17 There are a number of trees on the site and, in particular, some which are protected by TPO. Those which are likely to be affected by the proposals are T1 of TPO 04/00, an oak tree which is located in the area of the accessway to the site, and trees T1 and T2 of TPO 03/00 which are an ash and oak located to the west side of the development site.

3.18 As indicated, the applicant has engaged consultants to undertake a tree assessment report. In the report, the consultant has assessed all existing trees in terms of the desirability of their retention in accordance with a British standard approach. The TPO trees are identified as either desirable or most desirable to retain.

3.19 In relation to tree T1 of 04/00, it is noted in the report that the oak is at less than a third of its life expectancy. Within a distance of 5m of this tree the driveway access to this site should be formed by a no dig construction. When dealing with the previous appeal the Inspector indicated that the driveway should be directed away from the tree and a separation distance of 2.5m from the trunk is now achieved.

3.20 In relation to trees T1 and T2 of 03/00 the report suggests that these can be accommodated and that access can be achieved for construction scaffolding during development. Tree T1 is noted as a multistemmed Ash which would possibly require surgery irrespective of any proposed development. T2 is noted as an early mature oak, but there is no comment as to the possible impact on the growth of the tree.

3.21 Taking account of the comments of the Woodlands and Environmental Specialist above it is considered that a reasonably thorough assessment of the impact of the development has been made and suitable recommendations put forward in relation to

- 3.22 T1 of TPO 04/00. In relation to trees T1 and T2 of 03/00 it was considered that the proposals in their initial form, would lead to pressure on the trees in the longer term, and problems of access to allow development. As a result, the applicant has now modified the proposals slightly to move the proposed dwellings marginally further from these trees and reduce the pressure on them during development and thereafter.
- 3.23 Previously the Inspector was concerned at the proposed loss of T2 (which was proposed on the earlier scheme). The impact in relation to T1 was less clear, but it appeared that there would be no direct impact as a result of the earlier scheme.

Access

- 3.24 Access is to be created within the plot of the current 232 Eastwood Road and what will become plot 1 of the new development. The access which comprises a private drive will have a width of 4.5m for the first 10m (wider where it meets the Eastwood Road carriageway) and then narrows down to some 3.8m. This is similar to the arrangement proposed previously. Although permission was refused, the access arrangement and specification and any impact it would have on amenity was not a reason for refusal previously. The appeal Inspector considered that the access was acceptable.

Visual and Amenity Impacts

- 3.25 Previously it was considered that the development proposals for the site constituted a cramped form of development which would appear as over development. The Inspector commented that there was no difficulty in replacing the bungalow at no 232 with a two storey house of the size proposed at the time. The two storey dwelling now proposed is of a similar footprint. In terms of height it is not considered (at ridge height of 9.2m) to have an unacceptable visual or other impact. The only windows at first floor to the sides are to be obscure glazed.
- 3.26 Previously the dwelling to the east of no 2 The Croft was located 13m from it. The removal of the intervening tree would, it was considered, lead to the new dwelling having an unacceptable impact on the existing. The closest part of the dwelling to plot 2 is now marginally increased at some 13.4m approx from no 2 the Croft. Now however the width of the part of the dwelling which is this close has reduced from 7.5m to 5.5m. The new dwelling is to have a further projecting rear element, but this is some 21m from no 2 at the closest, and where it is visible. In addition, the intervening trees are now to be retained (trees T1 and T2 of TPO 03/00). There will be some raising of the levels of the land here (in response to flood risk issues – see below) such that the dwelling will be some 0.9m above the average level of the ground here. The dwelling here is to have a height of 7.9m to the ridge.
- 3.27 There are no first floor windows to the gable end of the new dwelling which faces no 2 The Croft and only one to the rear projecting element which faces this way which is to be obscure glazed. There is a garage which is to be placed adjacent to the boundary with no 2 The Croft but this will be located behind an existing outbuilding within the curtilage of the dwelling at The Croft. Given these overall layout circumstances, it is not now considered that the amenity impact on the occupiers of no 2 The Croft is an unacceptable one.

- 3.28 Previously the dwelling to plot 5, which was to present a rear elevation of 11.5m length to the dwellings at 234 and 234a Eastwood Road, 1m from their boundaries, was considered by the Inspector to have an overbearing impact. The dwelling which now most affects these dwellings is that proposed to plot 4. It presents a flank of 7.1m width to the adjacent properties still at 1m distant from the common boundary. The overall separation distance from building to building will be 18.4m and a blank gable will be presented by the new dwelling.
- 3.29 The dwelling to plot 4 is located such that its rear elevation is 8.4m approx from the boundary of the garden to 238 Eastwood Road. This distance is less than the Essex Design Guide stipulation of 15m but, as appeal decisions elsewhere have indicated, Inspectors do not consider that slavish adherence to those standards is appropriate given the later government guidance aimed at ensuring the efficient use of land in PPG3, Housing. In this case there are a number of established trees within the garden to no 238 rear of the new dwelling which are to be retained, it is also a very long rear garden. In addition, where views are had, this will be at a distance some 25 to 30m from the rear of the dwelling at no 238 and therefore distant from the most sensitive part of the dwelling.
- 3.30 Other instances where overlooking may occur are from the upstairs of the new dwellings on plots 2 and 3 towards the existing dwellings on Eastwood Road to the north. The building on plot 2 is located some 8m distant from the rear boundary to 230 Eastwood Road. The two buildings will be approx 31m apart. The front of the building to plot 3 is 15m from the boundary of 234 Eastwood Road to the north and there is 33m between the buildings.
- 3.31 With regard to the previous scheme, the Inspector considered that the layout was cramped and awkward, without any sense of place and that some of the dwellings had particularly awkward inter-relationships. Now it is considered that the layout has produced a form of development where the buildings, visually, relate well to each other with garaging much less prominent in the appearance of the area. It is considered that much better attention has been paid to ensuring a design and form of development which is appropriate for the site rather than the previous scheme where pre-determined house types were then superimposed on the site.

Drainage

- 3.32 The applicants have carried out a flood risk assessment for the site given the initial objections raised by the Environment Agency (EA). In conjunction with this a surface water drainage strategy has been devised. The consultants engaged to undertake the exercise have proposed that the dwellings be sited at a height greater than the flood risk level for the site (provided in advice from the EA). As this will require raising the level of the land, and hence reduce the flood storage capacity, alternative capacity equal to that displaced is to be provided at the south east end of the site. As indicated the EA have verbally confirmed that this approach is acceptable.

- 3.33 The drainage strategy aims to ensure that the drainage rate from the site to the brook is the same after development as it is at present. This is to be achieved by the provision of 'oversized pipes' (which accommodate storage) and a hydrobrake (which only allows outflow at the current undeveloped site rate. The hydrobrake is fitted with non return valves which prevent backflow in times of flood or significant rainfall.

Wildlife

- 3.34 The possibility of wildlife interest on the site was raised when the earlier proposals for the development of the site were presented. No substantive evidence of any such interest was demonstrated however and the Inspector, when dealing with the previous appeal dismissed the issue.
- 3.35 English Nature raises the issue of the possibility of the frontage dwelling being a bat roost, and the implications of this can be met by an appropriate condition. Otherwise, the Woodlands and Environmental Specialist has not raised the possibility of interest on the site as an issue and it is considered that it would be inappropriate to resist any development on that basis.

CONCLUSION

- 3.36 The scheme represents a form of backland development which is similar to that which has been implemented to the west of this site at The Croft. An earlier scheme has been considered and dismissed, but many parameters for the development of the site have been established as a result.
- 3.37 The access to the site is considered acceptable. The development proposals will have some impact in relation to the protected and other trees on the site and the residential amenity of the adjoining occupiers. Overall however it is considered that the impacts are not so excessive that the proposals should be resisted on the basis of them.
- 3.38 Flood risk and drainage assessments have been carried out and any issues in relation to these matters addressed.

RECOMMENDATION

- 3.39 It is recommended that this Committee **RESOLVES** to **APPROVE** this planning application subject to the following heads of condition:

- 1 SC4 Time Limits
- 2 SC9A Removal of existing building
- 3 SC14 Materials
- 4 SC23 PD Restricted obscure glazing
- 5 SC50A Means of enclosure
- 6 SC59 Landscaping
- 7 Accessway construction details
- 8 Surface water drainage

- 9 Foul water drainage
- 10 Implementation of flood protection measures
- 11 TPO and tree protection
- 12 Bat roost habitation mitigation

Relevant Development Plan Policies and Proposals

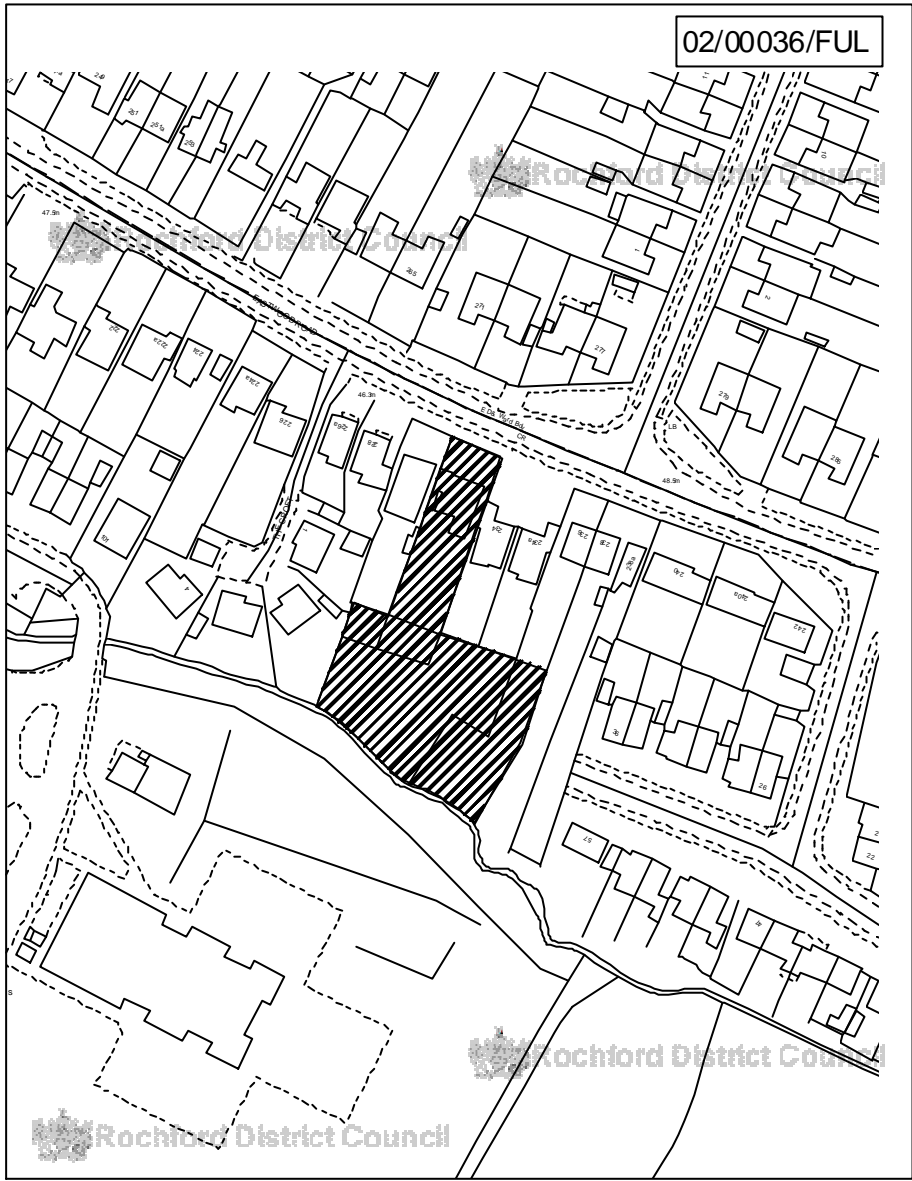
H1, H2, H11, H19, H20, H24 Rochford District Local Plan First Review
CS1, CS2, BE1, H2, H3, H4 Essex and Southend-on-sea Replacement
Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.

02/00036/FUL



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NTS



PLANNING SERVICES COMMITTEE - 20 February 2003 Item 4

TITLE : **02/00865/OUT**
OUTLINE APPLICATION TO ERECT FURNITURE RETAIL
STORE, LAYOUT CAR PARKING, SERVICE AREA AND
ACCESS
LAND TO THE WEST OF PURDEYS WAY, PURDEYS WAY
INDUSTRIAL ESTATE, ROCHFORD

APPLICANT : **ROBERT LEONARD GROUP PLC**

ZONING : **EXISTING AREA PRIMARILY FOR INDUSTRIAL USE**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

SITE FRONTAGE: **45m approx (to Purdeys Way)** SITE AREA: **0.47Ha (approx)**

PLANNING APPLICATION DETAILS

- 4.1 This application is in outline form. All matters of detail are reserved for subsequent approval. The land which forms the site is located to the north side of the junction between Purdeys Way and Rochehall Way. Submitted indicative plans show the development of a single building which will have its frontage to Purdeys Way. Public parking is to be provided to this frontage. To the rear of the building, and accessed from Rochehall Way, will be set out a service area and staff parking.
- 4.2 The applicant has submitted a supporting statement with the application which is referred to further below. In this statement it is indicated that the store is to have some 1,858sqm gross floor area

RELEVANT PLANNING HISTORY

- 4.3 None relevant

CONSULTATIONS AND REPRESENTATIONS

- 4.4 Essex County Council **Planning Officer** has no strategic comments.

(Still awaiting ECC Highways – likely to ask for financial contribution and conditions)

- 4.5 Essex County Council **Archaeological Officer** initially indicated that there may be some archaeological interest in the area and recommended that a condition be applied to any permission requiring archaeological investigation. However, on further consideration, indicated that the area of land had been the subject of previous quarrying and no interest was now likely to be present.
- 4.6 **Rochford Parish Council** has no objection.

MATERIAL PLANNING CONSIDERATIONS

Policy Background

- 4.7 Government advice in relation to retail development is set out in PPG6, Town Centres and Retail Development. This has been subject to revision and clarification since its publication in June 1996 by ministerial statement.
- 4.8 Two of the primary objectives of government policy are to sustain and enhance the viability and vitality of town centres and to focus development where it can generate competition and allow journeys by public transport.
- 4.9 Planning Authorities are encouraged to adopt a positive approach in the identification of additional sites for retail development. Where the authority has not done so however, the onus remains with the potential developer to demonstrate that they have assessed all potential town centre sites if an out of centre site is being proposed.
- 4.10 The government advises a sequential approach. The first preference should be for town centre sites, followed by edge of centre, district and local centres. Only then should out of centre sites, which are accessible by a choice of means of transport, be considered.
- 4.11 When out of town centres are proposed a number of key considerations are suggested in the guidance. These are:
- the likely harm to the development plan strategy;
 - the likely impact of the development on the vitality and viability of existing town centres;
 - the accessibility of the chosen site by a choice of means of transport; and
 - effect on overall travel patterns.
- 4.12 It is also set out in the guidance that retail development should not normally be allowed on land designated for other uses in an approved development plan. This applies especially to land allocated for industry, employment and housing where the proposed development will have the effect of limiting the range and quality of sites available for those uses.
- 4.13 In the additional ministerial guidance, the government stresses the requirement for developers to establish the need for additional facilities where the proposal is out of town and either:

- not in accordance with an up to date development plan; or
- in accordance with the plan, but need is not established in the plan.

- 4.14 The strategic policies very much follow the thrust of government guidance. In policy CS1 of the Structure Plan it is established that new economic development should be concentrated in urban areas and that a sequential approach should be applied. Development should be sustainable (policy CS4) and can be accessed by a range of transport modes.
- 4.15 Retail development is addressed in the retail related policies of the Plan. In policy TCR1 the strategic hierarchy of centres is established. It sets out that retail development should be located within town centres. The sequential approach, on the lines of that set out in the national guidance, is established in policy TCR2. The specific requirements in relation to particular proposals are set out in policy TCR4, again these follow the national guidance.
- 4.16 The Rochford District Local Plan pre dates both the national advice in PPG6 and the Structure Plan. As a result it is likely that less weight will be attached to the policies that it contains by any independent decision maker. Policy SAT1 establishes that most retail development should take place in or adjacent to the town centres. Where they are proposed elsewhere the policy indicates that a whole range of issues should be taken into account, including:
- the accessibility by a range of transport modes;
 - the possibility of prejudicing other land uses; and
 - the impact on the viability and vitality of the town centres.
- 4.17 As indicated above, the applicant has submitted a supporting statement. A travel assessment and sequential test assessment have also been submitted.

Need

- 4.18 The applicant indicates that a specific user has been identified for the site and that they are keen to expand their business operation in the district. In terms of need for the proposed development the applicant refers to the Office for National Statistics, Family Expenditure Survey 2000-2001. This report shows that the average spend per household on furniture goods per week is £9.30 (or £483.60 per year). Based on an estimated number of households in the district of 33,070 this gives a spending power in the district of £15,992,682.
- 4.19 The applicant has identified only one town or edge of centre existing furniture store in the district, Suttons at 42 Eastwood Road, Rochford. Applying the typical sales yield per square foot of floorspace, from industry sources, the applicant claims that there remains considerable unmet demand for furniture spend in the district, in spite of the existing identified site.

- 4.20 It appears that there are some flaws in this argument, although the applicant stresses that it is only a very broad assessment of the possible unmet need in the district. Whilst the applicant discounts the Suttons store, there are a number of other existing furniture retail stores in the district (including Websters Way Rayleigh and at the Airport Retail Park) which will also go some way to meeting needs in the area.
- 4.21 In addition, the assessment that has been submitted works on the basis that all the identified need in the district can be directed towards the new proposed store to be satisfied. This is unlikely to be the case. There are existing draws beyond the district area which will be at least as convenient, and probably more so, which will continue to act as suppliers of any demand. Particularly in this respect, much of the Rayleigh area already has the benefit of the existing suppliers on the Stadium Way Estate (Castle Point) and others that are conveniently accessed on the A127 (Mayflower Retail Park at Basildon).
- 4.22 It is likely then that the expenditure figure given above which is put forward to represent leakage of spending power from the district is far more modest than it initially seems. In any event it cannot be relied upon as a clear indicator of need as much of the population of the district will continue to visit other sites even if this development were to be permitted. In spite of this, there is a case that can be made that the Rochford area, in particular, is served by only a limited number of furniture retail outlets. Those at the Airport Retail Park and currently on Purdeys Way provide local supply but it would appear that more choice locally can be accommodated.

Sequential Test

- 4.23 When dealing with the issue of the sequential test, the applicant has submitted a separate report as indicated above. In the report, consultants on behalf of the applicant have surveyed what are considered by them, to be all the currently available existing buildings, or land which are located within the town centres or adjacent to them in the district.
- 4.24 The consultants have considered the amount of floorspace available in the existing buildings, whether they are likely to be available and the characteristics of them in terms of public parking and servicing availability. The report indicates that consideration has also been given to the provision of the proposed use in an alternative form (for example in separate blocks of smaller floorspace). In all cases however the consultants reject all the available buildings and sites on the basis that they are unsuitable for the intended purpose.
- 4.25 On the whole the assessment that has been carried out is a sound and comprehensive one. The only apparent omission is the site to the north of Rochford town centre which is allocated for supermarket development. The applicants indicate that this has been discounted from their assessment because of that allocation.

- 4.26 Whilst many of the possible sites have been discounted because of the inability to provide on site public parking, this would appear to be inappropriate because of their proximity to town centre car parks. The applicants also appear to have been a little too quick to discount possible sites on the basis of difficult servicing arrangements. However, most of the possible sites do seem to be inappropriate either because of their size or because of their first floor location or current authorised use.
- 4.27 With regard to the supermarket site in Rochford, the applicants approach to discount this site does have merit, given that the proposed use put forward in this application does not match that for which the site is allocated.

Traffic/Parking/Highways

- 4.28 A traffic assessment has been prepared by consultants on behalf of the applicant. Traffic flows of the existing situation were taken on periods during Saturday and Sunday. These periods were chosen as, following discussion with highways, they were considered to be the times of peak demand for the proposed development (rather than the Mon to Fri peaks for employment development). These counts were then subject to additions by considering the operation of a similar store.
- 4.29 The result, the consultants argue, is that the impact on traffic flows on Sutton Road and Southend Road are not material (being an impact of 2% or less). However the impact on Purdeys Way, and the roundabout junction with Sutton Road is material (some 6.9%). The consultants submit that this is because the additional loading occurs at a time when traffic levels at the roundabout are at a lower level than in the week. They also submit that the impact of the development of the site for industrial use (for which it is zoned) would have a greater traffic development impact and at times of the day when loadings are higher.
- 4.30 Despite these points the consultant concludes that, if the Highway Authority is programming improvements to this junction, it would be appropriate for the applicant to contribute to these. Works to the junction are indeed anticipated by the Highway Authority, primarily as a result of works to the nearby bridge carrying Sutton Road over the Roach. It is anticipated that the Highway Authority will request that a contribution be made by the developer to assist with the implementation of these works.
- 4.31 With regard to public transport the consultants claim that regular bus routes operate within the vicinity of the site with regular services along Sutton Road. It appears that the consultants are basing this on rather outdated information. Recent revisions to services have resulted in a very limited service along the Sutton road with only 3 or 4 buses each day during the weekdays. The more regular services between Rochford and Southend run along Southend Road but this is at least some 0.9km from the site.

- 4.32 The applicants consider that the possibility of only limited travel to the site by public transport is acceptable as customers may want to take bulky goods purchases away with them, and hence will travel by car in any event. This argument is not considered to carry much weight in this instance where, presumably a delivery service for bulky goods will be in place. However, the applicants do place significant weight on the preparation and implementation of a green travel plan for employees at the site.
- 4.33 Parking at the site is shown to be to the frontage to Purdeys Way. As indicated this is an outline application and all matters are reserved for subsequent detailed approval. On that basis, 34 spaces are shown to be provided. This is below the standard requirement by virtue of the standards now being utilised by the Authority. These standards would be appropriate however for uncontrolled A1 uses which would include all forms of retailing. The standards require 92 spaces. However, furniture retail stores generate significantly lower vehicle trips that uncontrolled A1 uses such as, for example, supermarkets.
- 4.34 The traffic consultants indicate that the level of spaces, which is subject to amendment through any detailed permission, has been reached by considering other similar operations elsewhere. The need to retain some of the site for landscaping has been taken into account as has the desire to ensure that the car park does not prove attractive to those who currently park on other sites within the area.

Employment Land

- 4.35 In policy BIW1 of the Structure Plan it is specified that 35Ha of new employment generating land should be provided in the district between 1996 and 2011. Reports submitted to the Environment Overview and Scrutiny Committee in relation to the review of the Local Plan indicate the current situation. Current provision is marginally greater than the level required at 37Ha approx. However, this does not take into account the commitment, at the Rochford Business Park (Cherry Orchard Way) to allow approx 50% of the site to be utilised for car showroom and associated purposes. Strict interpretation is now that the level of provision available is below that required in the Structure Plan and granting permission will reduce this further.
- 4.36 With that in mind the County Council has raised no strategic concern in relation to the matter. The applicant argues that it is also appropriate to have regard to the level of provision that was available at the end of the current Local Plan period, that is at 2001.
- 4.37 In the previous Structure Plan, there was a requirement that 40Ha of industrial land be made available in the district. Local Plan provision, along with completions and commitments for the relevant period, had been made for 45Ha approx. At the end of the period some 27Ha remained available. The applicant submits that this excess over required provision supports an argument that more of the land now allocated for industrial uses can be released for other purposes.

CONCLUSION

- 4.38 When judging the proposals in relation to the national guidance and advice, and the strategic policy approach, a mixed conclusion can be reached. The applicant has not clearly and fully demonstrated need, although the argument laid out does indicate some measure of support for the proposals. In terms of the sequential approach, the applicant has undertaken a fairly thorough assessment which indicates that no alternative sites are available.

- 4.39 The site cannot be said to be accessible by a range of transport modes, but the disadvantage this represents has to be tempered by the fact that all of the existing uses on the estate (and that which is implemented on this site if permission is refused) are similarly so disposed. In terms of the impact of the proposals on traffic generation, again, whatever use were to be permitted on this site, which is allocated for development, would be likely to add to traffic loadings on the approach roads. It is understood that the applicants have offered to provide a financial contribution to the Highway Authority to assist in road improvements to upgrade road capacity at the estate entrance and it is recommended (if permission is granted) that this is secured by means of a legal agreement.

- 4.40 Lastly there is the impact to be considered by the development on the loss of employment land. It is likely that any employment generated by this development will be limited when compared with a conventional B1 or B2 use. The fact is that some employment land will be lost. It is not considered at this stage however that the reduction in the amount of land or the quality of sites is such that the weight that can be attached to that issue should be so significant that permission should be refused on that basis.

RECOMMENDATION

(Subject to comments from Highways)

- 4.41 It is recommended that this Committee **RESOLVES to DELEGATE APPROVAL** to the Head of Planning Services subject to a Legal Agreement as follows:
 - that the applicant be required to provide a financial contribution, the specific amount to be agreed, to assist with the implementation of highway and junction improvements at the Purdeys Way/Sutton Road junction.

- 4.42 And the following conditions plus appropriate conditions recommended by the Highway Authority:
 - 1 SC1 Reserved Matters
 - 2 SC3 Time Limits Outline
 - 3 SC14 Materials to be used
 - 4 SC28 Use Class Restriction – restricting use to furniture retail store only
 - 5 SC35 Floodlights
 - 6 SC58 Landscaping

Relevant Development Plan Policies and Proposals:

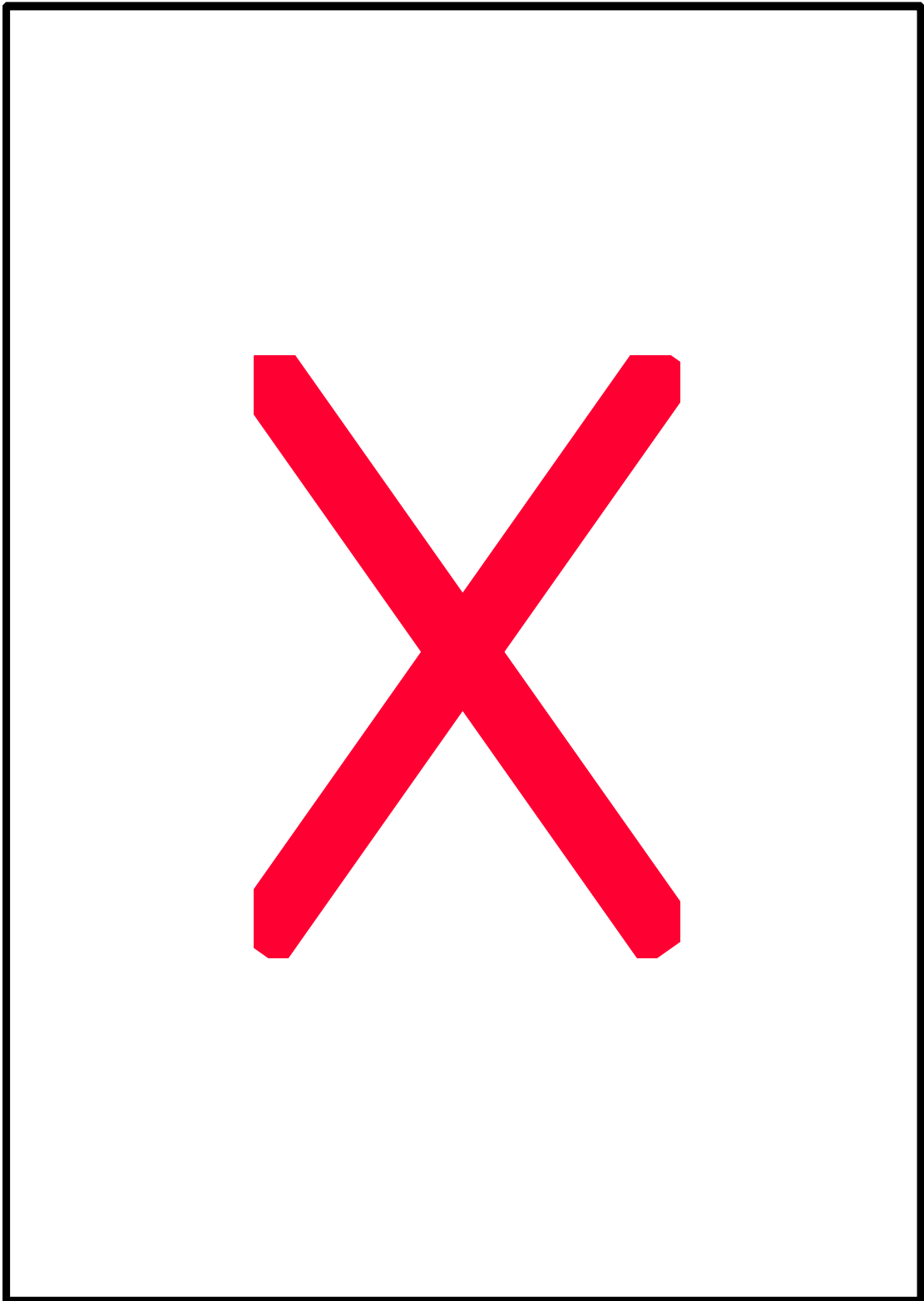
EB1, EB2, EB4, TP15, SAT1 of the Rochford District Local Plan First Review

CS1, CS3, BIW1, BIW4, TCR1, TCR2, T12 of the Essex Structure Plan
Adopted 2nd Alteration



Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.



TITLE : 02/01063/GD
ERECTION OF GARAGE
GREAT SHELL CORNER, FOULNESS ISLAND

APPLICANT : DEFENCE ESTATES

ZONING : RURAL LOCATION OUTSIDE GREEN BELT

PARISH: FOULNESS ISLAND PARISH COUNCIL

WARD: FOULNESS & GREAT WAKERING

PLANNING APPLICATION DETAILS

- 5.1 The application is for the erection of a garage at Great Shell Corner, Foulness Island. The proposed garage will measure 2.5 m wide by 6m deep and will have a mono-pitched roof. It is to be made of steel reinforced concrete panels.

RELEVANT PLANNING HISTORY

- 5.2 There is no relevant planning history relating to this site.

CONSULTATIONS AND REPRESENTATIONS

- 5.3 No responses to report.

MATERIAL PLANNING CONSIDERATIONS

- 5.4 The site location is to the far north side of the island away from any residential properties. The area of the building is very small 15 square metres and will have a flat roof. It would have limited impact on the local amenity.

CONCLUSION

- 5.5 The minimal size of the building together with its remote location would mean that it would have minimal impact on the amenity of the surrounding area.

RECOMMENDATION

- 5.6 It is proposed that this Committee **RESOLVES** that **NO OBJECTION** be raised to this application.

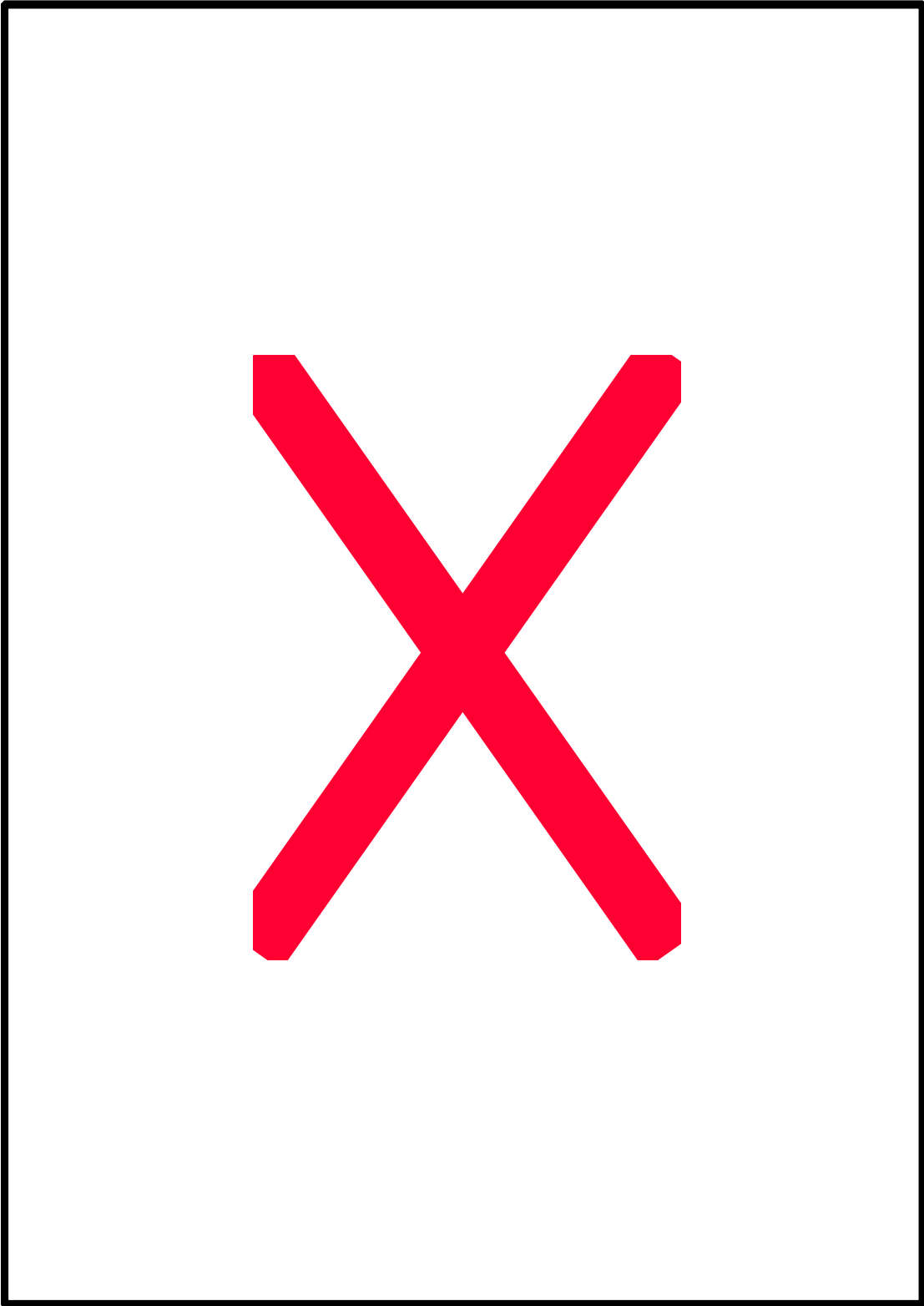
Relevant Development Plan policies and proposals:

None



Shaun Scrutton
Head of Planning Services

For further information please contact Lorna Maclean on (01702) 546366.



PLANNING SERVICES COMMITTEE - 20 February 2003 Item 6

TITLE : **02/0113/GD
DEMOLISH MESS ROOM BUILDING
GREAT SHELL CORNER, FOULNESS ISLAND**

APPLICANT : **DEFENCE ESTATES**

ZONING : **RURAL LOCATION OUTSIDE GREEN BELT**

PARISH: **FOULNESS PARISH COUNCIL**

WARD: **FOULNESS AND GREAT WAKERING**

PLANNING APPLICATION DETAILS

- 6.1 This application relates to development proposed by the Defence Estate. Proposed is the demolition of a mess room building at Great Shell Corner. The site is at the furthest most northerly point of the island. It constitutes a building of wooden construction, with dimensions 9m by 3.8m approx and with a floorspace of 35sqm approx.

RELEVANT PLANNING HISTORY

- 6.2 There is no relevant planning history relating to this site.

CONSULTATIONS AND REPRESENTATIONS

- 6.3 **Essex County Council (Highways)** – de minimus
- 6.4 **Environment Agency** – no objections
- 6.5 **English Nature** – advise that there may be bats present in the building and as they are a protected species thus recommends an ecological survey be carried out.

MATERIAL PLANNING CONSIDERATIONS

- 6.6 The building is remote from areas of public access and is not listed or in a conservation area thus the impact of its demolition would be minimal. It is considered that there would be no harmful visual impact caused by the removal of the building.
- 6.7 Given the comments of English Nature, it is considered that the applicant should address this issue. As there is no other concern however in relation to the demolition of the building, it is proposed that a condition be applied to the response from this authority indicating that the appropriate assessments be carried out and that, if a positive result is found, mitigating measures be taken. These may comprise the demolition of the building outside of the times of year during which roosting is likely to take place in the area.

CONCLUSION

- 6.8 No objection be raised to the proposed demolition subject to the ecological assessment of the building.

RECOMMENDATION

- 6.9 It is recommended that this Committee **RESOLVES** to raise NO OBJECTION subject to the following condition:
- 1 Prior to the demolition of the building the applicant shall cause an ecological survey to be carried out to assess the use of the building as a roosting site for bats. If the results of that assessment are positive the applicant shall devise, in consultation with English Nature, mitigation measures to offset the impact of the demolition of the building. Once established those mitigation measures shall be implemented, as appropriate prior to the demolition of the building.

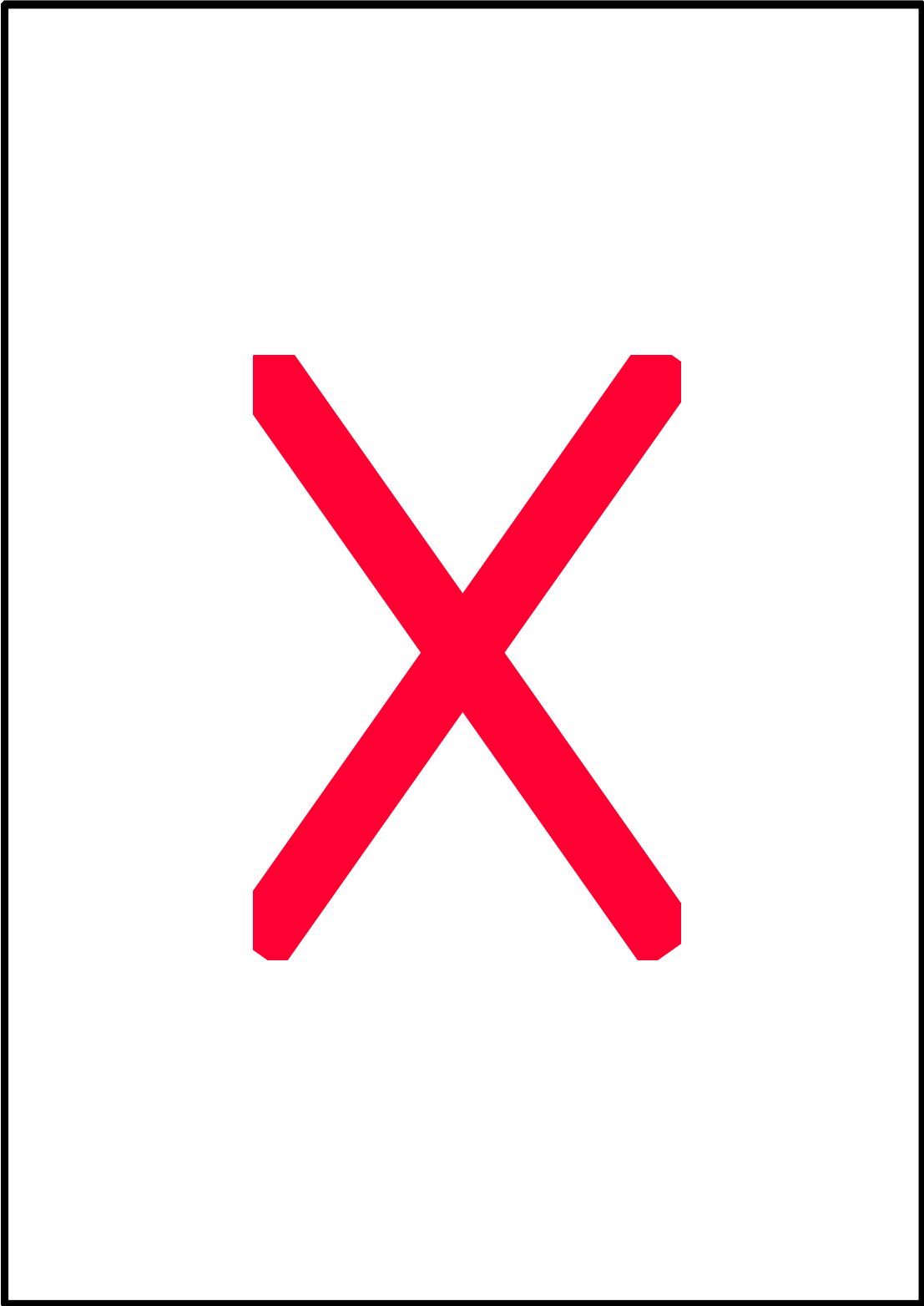
Relevant Development Policies and Proposals:

None, Rochford District Local Plan First Review
CS2, C5, Essex and Southend-on-sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Lorna MacLean on (01702) 546366.



PLANNING SERVICES COMMITTEE - 20 February 2003 Item 7

TITLE : **02/01084/FUL
ERECTION OF THREE STOREY BUILDING CONTAINING
12NO. FLATS, TOGETHER WITH ACCESS AND PARKING
AREA
LAND AT 17 WEIR POND ROAD ROCHFORD**

APPLICANT : **DJA DEVELOPMENTS LTD**

ZONING : **RESIDENTIAL**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

SITE FRONTAGE: **26.5M** SITE AREA: **0.1165ha 11574sq.ft**

PLANNING APPLICATION DETAILS

- 7.1 The application proposes the erection of a building accommodating eleven 2-bed flats and one 1-bed flat. The building is effectively two storey with third floor accommodation in the roofspace. The overall height of the building varies between 8.8m - 9.5m.
- 7.2 The application also proposes the provision of 12no. parking spaces. Vehicular access will be gained via one of two existing accesses to the site. The other existing access is to be stopped up.
- 7.3 The site was previously used as a timber yard, and occupied by a substantial building associated with this use. That building was demolished some time ago and the site is currently open.
- 7.4 The immediate area comprises a mixture of residential and non-residential uses. A vacant commercial building and yard lie to the west of the site, and a model shop (Blackwells) lies beyond this. A substantial building used as agricultural merchants (Ernest Doe) lies on the south side of the road, opposite the application site.
- 7.5 Residential development in Weir Pond Road generally consists of 1960s-1970s style properties on the north side of the road and Edwardian and earlier semi-detached and terraced houses to the south. Three storey townhouses in Oast Way lie to the north of the application site.

RELEVANT PLANNING HISTORY

- 7.6 F/00684/92/ROC - Erect 2 Storey Block containing 6 x 2-bed flats and 4 x 1-bed flats - APPROVED

- 7.7 F/0268/97/ROC - Erect 2 Storey Block containing 6 x 2-bed flats and 4 x 1-bed flats (Renewal of F/00684/92) - REFUSED
- 7.8 F/0079/98/ROC - Erect 2 Storey Block containing 6 x 2-bed flats and 4 x 1-bed flats (Renewal of F/00684/92) - APPROVED
- 7.9 02/00104/FUL - Erection of Three Storey Building accommodating Sixteen (16) Flats - REFUSED

CONSULTATIONS AND REPRESENTATIONS

- 7.10 **Rochford Parish Council** - recommends refusal, not in keeping with conservation area
- 7.11 **Essex County Council (Highways)** - recommends a number of standard conditions to be imposed on any permission granted
- 7.12 **Essex County Council (Senior Historic Buildings Advisor)** considers that after a great deal of negotiation an acceptable scheme has at last been produced. He recommends that permission be granted, subject to clarification of certain design matters. (These matters can be covered by planning conditions).
- 7.13 **Essex County Council (Learning Services)** has considered the educational needs arising from the development and will not require an educational contribution.
- 7.14 **Anglian Water** - no objections, subject to approval of foul and surface water drainage
- 7.15 **Head of Housing, Health & Community Care** - notes that the site lies within 250m of an area previously used as a landfill site, and recommends that the Environment Agency's advice be sought. Informatives/conditions are recommended in this regard, and with regard to any potential contamination of the site.
- 7.16 **Environment Agency** - advisory comments, relating to the site's proximity to a landfill site, and the need for the building to be designed and constructed with due regard for the possible presence of landfill gas.
- 7.17 **Essex Police (Crime Reduction Officer)** - no objections, makes advisory comments.

MATERIAL PLANNING CONSIDERATIONS

- 7.18 In the Rochford District Local Plan First Review, the site lies within an area allocated for Residential purposes. Policy H16 (Purpose Built Flats) is therefore relevant to the consideration of this application.

- 7.19 The site lies outside, but immediately adjoining the Rochford conservation area. Regard must also be had to Policies UC1, UC2 and UC3, which deal with development in conservation areas.
- 7.20 As noted above, permission has previously been granted for a building accommodating 10no. flats, ref. F/0079/98/ROC, which renewed an earlier permission dating back to 1993. This permission is still valid and, therefore, the approved scheme could still be implemented. Due regard must be had to this fact in considering the current proposal.
- 7.21 **Scale and Siting**
The current application follows the recent refusal of an application proposing the erection of 16no. flats, ref. 02/00104/FUL, on grounds relating to the buildings visual bulk and design. The overall scale of the building was considered excessive in relation to the scale of surrounding development, and the design inappropriate given the building's location adjacent to a conservation area.
- 7.22 In the current application, the height of the building varies between 8.8m - 9.5m, compared to 10m in the case of the recent refusal and, indeed, the building previously approved.
- 7.23 The footprint and siting of the building have also changed. In the case of the recent refusal (and the building previously permitted), the building was of square plan. In respect of the recent refusal, this resulted in a building of excessive visual bulk, out of context with the more domestic scale of buildings, particularly to the east. In the current application, the building is of rectangular plan, which has allowed the overall visual bulk and height to be reduced.
- 7.24 The current proposal also shows the building further forward in the street than in previous applications. The part of Weir Pond Road lying within the conservation area is characterised by dwellings fronting onto the pavement. The recently erected office building adjoining the site to the west was also erected fronting onto the pavement, and it is considered that the siting proposed in the current application is in character with the street scene. Such a siting also allows more efficient use to be made of the land.
- 7.25 **Design**
The current proposal has been designed to reflect the site's location immediately adjacent to a conservation area, and to the character and appearance of buildings within it.
- 7.26 It is noted that the Senior Historic Buildings Advisor supports approval of the current application, subject to certain amendments being made. These amendments relate to minor details of the scheme; the use of feather-edged weatherboarding rather than shiplap boarding, the use of timber rather than uPVC windows and the use of metal rather than plastic rainwater goods. Conditions are recommended to address these issues.

- 7.27 It is also considered that the building now proposed exhibits a design more in-keeping with the conservation area than the building for which permission already exists.
- 7.28 **Impact upon neighbours**
The proposal complies with the Council's normal back-to-back distance, having regard to housing in Oast Way to the north.
- 7.29 In the approved scheme, the distance between the flank wall of the flats and the flank wall of No.19 Weir Pond Road to the east is 5.6m. In the case of the current application, this distance is in the order of 8.5m to 9m. Whilst the separation distance in the approved scheme is acceptable, the greater distance now proposed can only further reduce the impact upon the neighbouring property.
- 7.30 **Car Parking**
Parking is provided at a ratio of one space per unit, in accordance with the Council's emerging parking standards, against the Local Plan standard which refers to 1.5 spaces per unit. The emerging standard has been produced in response to government guidance seeking to promote the use of alternative means of transport to the car. Reduced car parking standards are considerable appropriate in locations close to or within Town Centres, and with good public transport links. It is considered that the application site falls into this category. This standard has been applied to other such sites across the District.

CONCLUSION

- 7.31 Permission has previously been granted for the erection of a two storey building containing 10no. flats. That permission remains valid and could still be implemented.
- 7.32 The current application proposes an alternative scheme of flatted development, comprising 12no. units.
- 7.33 The building now proposed exhibits a design and scale considered appropriate to the site's location adjacent to a conservation area, and in relation to the scale of adjoining development. Indeed, it is considered that in these respects the scheme is more attractive than the previously approved scheme.
- 7.34 The proposal complies with the Council's normal spatial requirements. Parking is provided in accordance with the Council's emerging standards.
- 7.35 It is concluded that the proposal complies with the relevant Local Plan policies.

RECOMMENDATION

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

PLANNING SERVICES COMMITTEE - 20 February 2003 Item 7

- 1 SC4 Time Limits
- 2 SC14 Materials to be Used
- 3 Notwithstanding the submitted plans, the development shall accord with the following details:
 - A) Black-finished Feather-edged weatherboarding shall be used. Shiplap boarding shall not be used;
 - B) All rainwater goods shall be black painted metal. Plastic rainwater goods shall not be used;
 - C) All windows shall be recessed into the brickwork with 4 1/2" reveals; and
 - D) All windows shall be timber vertically-sliding sashes, and shall be painted not stained
- 4 SC23 Obscure Glazing
- 5 SC50A Means of Enclosure
- 6 SC59 Landscape Design
- 7 SC66 Pedestrian Visibility
- 8 SC70 Vehicular Access
- 9 SC74 Driveways - Surface Finish
- 10 SC76 Parking & Turning Space
- 11 Prior to the commencement of the development hereby permitted, the existing dropped kerb crossing onto Weir Pond Road hatched BLACK on the plans returned herewith shall be permanently closed, the dropped kerbs shall be replaced by kerbs to match those either side of the existing access, and the remainder of the access shall be raised and surfaced to match the adjoining pavement to either side
- 12 SC90 Surface Water Drainage
- 13 SC91 Foul Water Drainage
- 14 Prior to the commencement of the development hereby permitted, details of the bin store to be provided shall be submitted to and approved in writing by the local planning authority. The details shall illustrate a building of solid construction with a roof. Such a bin store as is approved shall be provided concurrently with the development hereby permitted and be available for use upon its occupation.

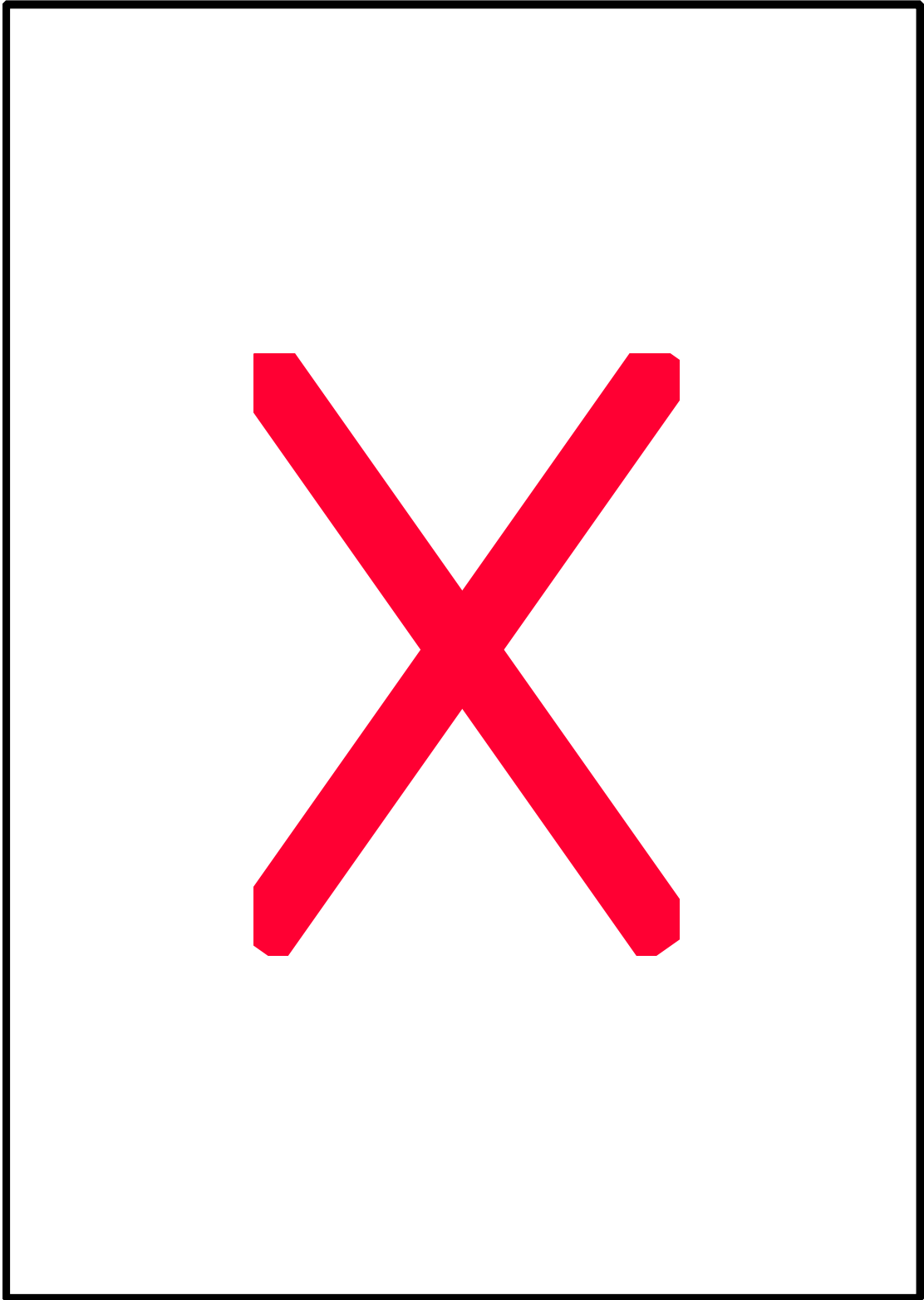
Relevant Development Plan Policies and Proposals:

H16, UC1, UC2, UC3 Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.



PLANNING SERVICES COMMITTEE - 20 February 2003 Item 8

TITLE : 01/00050/FUL
**EXTENSION TO EXISTING CLUB HOUSE
PAVILION, ROCHFORD RECREATION GROUND
STAMBRIDGE ROAD ROCHFORD**

APPLICANT : ROCHFORD TOWN SPORT AND SOCIAL CLUB

ZONING : EXISTING PUBLIC OPEN SPACE

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 8.1 The application is for a single storey extension to the existing pavilion that is owned by the Council and leased to Rochford Football Club. The pavilion is located centrally and close to the northern boundary of the recreation ground with Doggetts Close. A distance of almost ten metres separates the pavilion from the nearest gardens of the dwellings on Doggetts Close.
- 8.2 In terms of design the proposed extension would replicate that of the existing building being flat roofed and three metres in height.
- 8.3 The extension, which measures 7.75m x 11.7m, is intended to allow the members of the Sports and Social Club to enjoy a greater degree of comfort and to cater for the increased number of teams that the club now runs. However, the applicant explains it is not the intention to increase membership, currently 150, but to maintain this core number and to provide additional facilities for these members.
- 8.4 The club considers the existing facilities too small for their needs. The existing pavilion has basic toilet and changing facilities and there is no provision of disabled facilities. The clubhouse area is relatively small with a bar area in one corner and an area available for seating.
- 8.5 The club operates 13 teams; 4 mini soccer (7 to 10 year olds), 2 youth sides, a ladies side, a veterans side and 5 men's sides playing on Saturday and Sunday mornings. There are some disabled members of the club and thus there is a need for disabled toilet facilities.
- 8.6 Access to the pavilion is from the car park, on the junction of Doggetts Close and Stambridge Road, with a short walk across the playing field to the pavilion. There is also public access to the site (which is closer to the road) from the footpath that runs from Doggetts Close.

RELEVANT PLANNING HISTORY

- 8.7 Planning application reference **F/0226/98/ROC** was recommended for approval but refused permission for a single storey side extension to the sports and social club. This proposal was for the extension of the existing clubhouse to provide more modest additional space for existing members. It was refused on the grounds it had the potential to cause greater noise and disturbance to nearby residents, especially late in the evenings.
- 8.8 Planning application reference **ROC/488/87** was approved for the change of use of the reception room, toilets and kitchen to club room, lounge and bar, subject to 4 conditions including at no time shall the bar be open after 11.00pm unless otherwise agreed by the Local Planning Authority.

CONSULTATIONS AND REPRESENTATIONS**Round One:**

- 8.9 **Rochford Parish Council** made the following comments:
- That there are concerns about the traffic and noise implications, especially given the close proximity to housing;
 - It is felt that the Pavilion should be restored to be used for the purpose it was built for, that is changing rooms and any enhancements restricted to that end;
 - A bar has been installed in the pavilion, was this done with the landlords approval?
 - Could the changing rooms be sited elsewhere in the recreation ground?
- 8.10 **Rochford Hundred Amenity Society** support the objections of Rochford Parish Council that consider the proposal to be over development and also that the users of the Pavilion are very noisy and cause inconvenience for the residents of Doggetts Close.
- 8.11 **County Surveyor (Highways)** considers the application to be de Minimis.
- 8.12 **Anglian Water** has no objection to raise in principle and no comments to make thereon.
- 8.13 **Building Control Manager** makes the following comments:
- A level or ramped entrance should be provided;
 - The disabled WC should be re designed.
- 8.14 **The Environment Agency** provides advisory comments.
- 8.15 **The Head of Housing, Health and Community Care** reports that there is a potential for increased levels of noise and disturbance arising from this proposed development greater than exists at the present time. It is possible that some potential sources of disturbance are unlikely to be controlled by the existing Environmental Health legislation.

- 8.16 It is noted that complaints have previously been received regarding noise and disturbance arising from vehicle movements and the sound of voices as people leave the premises and that these complaints cannot be addressed under current legislation.
- 8.17 Conditions are recommended should approval be given.
- 8.18 There have been seven neighbour representations received. The main issues raised are as follows:
- Noise and disturbance from club users and their vehicles;
 - There is not enough car parking for the site and congestion is common on match days;
 - The extension will exacerbate problems with litter;
 - The proposed extension of the pavilion will be close to 40 Doggetts close and would have a negative impact on the amenity of this dwelling;
 - Increased use of the building, as a result of the extension, would result in increased noise and disturbance to residents; and
 - Devaluation of surrounding properties.

Second Round

- 8.19 This application had been on hold for some time therefore a re-consultation was undertaken, on the 24th September 2002, to advise neighbours, third parties and the Parish Council that the application was now pending consideration and inviting any further comments.
- 8.20 **Rochford Parish Council** made no comment except that they trust the District Council has contacted the National Playing Fields Association about this.

MATERIAL PLANNING CONSIDERATIONS

Local Plan Policy

- 8.21 The pavilion is located within the recreation ground that is designated as an existing area of public open space in the Rochford District Local Plan First Review. The use of the pavilion by the football club for sport and recreation falls within the remit of policy and thus in terms of policy is acceptable.

Visual Appearance

- 8.22 In terms of scale and design the proposal would be in keeping with the existing pavilion building and would not be out of place in the overall locality.

Residential Amenity

- 8.23 This is the key issue in determining this application, as evidenced by the previous refusal. This application has not received the level of opposition locally that that application did, nor has the re-consultation exercise generated objections from residents beyond those first received in 2001.

- 8.24 Head of Health, Housing and Community Care also advises that no complaints have been logged against the premises, i.e. functions, for some time.
- 8.25 There have been a number of neighbour representations regarding this application that suggest that the pavilion as it exists is detrimental to residential amenity and that any further extension would exacerbate existing problems. That said these representations were received during the first round of consultations in 2001 and the re-consultation in 2002 did not create any new responses or concerns from residents.
- 8.26 The applicant states that the extension of the pavilion is required to improve the facilities of the club not to increase the frequency in the use of the building for the football club. However the club have expressed an intention to open the extended pavilion to the wider community. Whilst the use of the building in this manner could provide an invaluable community resource it could potentially increase use of the building thus creating an increase in noise and disturbance for the nearby residential properties.
- 8.27 The access to the site is not ideal with club members passing the properties on Doggetts Close from the side when walking from the car park or more directly across the frontages if accessing from the close itself. The club expresses an intention to provide a pathway from the car park to the clubhouse if this can be achieved within the terms of their lease. This combined with the more recent proactive management of the club could go some way to alleviating resident concerns.
- 8.28 Concerns regarding effect on amenity need to be balanced against the benefit to the wider community of improving the facilities available at the pavilion and encouraging use of the recreation ground facilities.
- 8.29 It should also be noted that the Council may be able to, in this instance, address issues outside of its normal planning control i.e.. as land lord.

CONCLUSION

- 8.30 The proposal accords with the local plan designation of the site and in terms of scale and design is acceptable.
- 8.31 It is considered that the extended club is likely to be predominantly used in conjunction with the activities of the sports and football club and in this manner the activity level would not be sufficiently different to that existing to cause concern. The potential benefits of the proposal, in terms of facilities to the club and the wider community are considered sufficient to outweigh the potential problems that may result from noise and nuisance.

RECOMMENDATION

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

PLANNING SERVICES COMMITTEE - 20 February 2003 Item 8

- 1 SC4 Time Limits Full – Standard
- 2 SC15 Materials to Match
- 3 The extension hereby permitted shall be restricted solely to purposes in connection with football club matches/functions/meetings. These uses shall not take place outside the hours of 9am to 11pm.
- 4 SC21 PD Restricted – Balconies
- 5 SC92 Extract Ventilation
- 6 No development shall commence before details of any external equipment or openings in the external walls or roof of the building required in connection with the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter any such any such details shall be retained and maintained in the approved form.

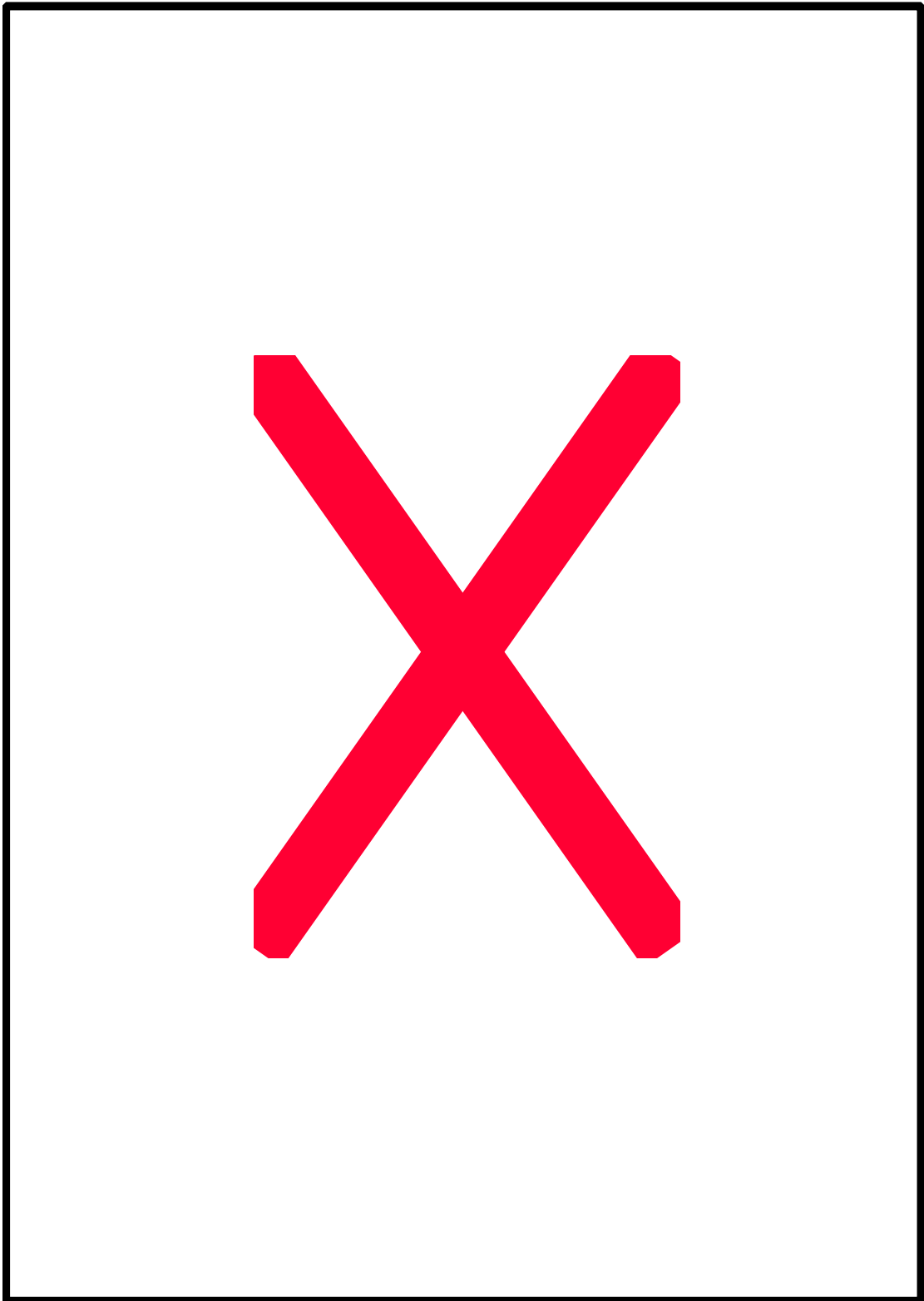
Relevant Development Plan Policies and Proposals:

LT1, LT2, LT3 Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Seden on (01702) 546366.



TITLE : 03/00094/GD P&C
2.4m FENCING, HARD STANDING AND 2 LATTICE MAST
(UP TO 10m HIGH) WITH ASSOCIATED WORKS - MOD
LAND SHOEBURYNESSE

APPLICANT : DEFENCE ESTATES EAST

ZONING : METROPOLITAN GREEN BELT - SSSI AND ROACH VALLEY
NATURE CONSERVATION ZONE - COASTAL PROTECTION
BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: FOULNESS AND GREAT WAKERING

**Note: Item 9 is exempt by virtue of paragraph 7 of Part 1 of Schedule 12A to the
Local Government Act 1972**

The Public and Press will be excluded from the meeting during its consideration.

CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

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

In Committee, Members must:-

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

Members must:-

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

Officers must:-

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