



Rochford District Council

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE DEVELOPMENT COMMITTEE - 23 February 2012

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and 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 via the Main Reception at the Council Offices, South Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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Ward Member for Committee Items

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

SWEYNE PARK

Cllr Mrs J A Mockford

Cllr T E Mountain

SCHEDULE ITEMS

- | | | | |
|--------|---|-----------------|---------|
| Item 1 | 11/00733/FUL | Mr Mike Stranks | PAGE 4 |
| | Further Sub-divide Site and Construct One Detached Four Bedroom House With Detached Garage to Front of Site (Plot 5) | | |
| | The Yard Trender Avenue Rayleigh | | |
| | | | |
| Item 2 | 11/00492/FUL | Mr Mike Stranks | PAGE 14 |
| | Demolish Care Home and Construct New Care Home (Use Class C2) and 43 No. Dwellings Comprising 19 No. Two Bedroomed and 24 No. Three Bedroomed Houses and Parking. Reconstruct Existing Access From London Road. | | |
| | Elizabeth Fitzroy Homes London Road Rayleigh | | |

SCHEDULE ITEM 1

**TITLE: 11/00733/FUL
FURTHER SUBDIVIDE SITE AND CONSTRUCT ONE
DETACHED FOUR BEDROOMED HOUSE WITH DETACHED
GARAGE TO FRONT OF SITE
THE YARD TRENDERS AVENUE RAYLEIGH**

APPLICANT: TRENDERS BARN INVESTMENTS LLP – MR C SHIRET

ZONING: METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS**THE SITE AND LOCATION**

- 1.1 This application is to a site on the eastern side of Trenders Avenue 60m north of the junction made with Rutland Drive. The site is within an area of Metropolitan Green Belt as defined in the Council's saved Local Plan (2006). The site was formerly an architectural salvage yard where the site was in extensive use for the storage and sale of reclaimed building materials. The history below shows that more recently the site has been granted permission on 10 August 2007 under application 07/00312/FUL for redevelopment with four detached bungalows and more recently on 24 February 2009 under application reference 09/00013/FUL for an alternative scheme for four barn-like dwellings. The site has been cleared and the former use has ceased. The barn-like dwellings are at present at an advanced stage of construction.
- 1.2 The implementation of the approved redevelopment does not change the Green Belt allocation of the site.

PROPOSAL

- 1.3 The proposal is to further subdivide the site to form a plot situated on the site frontage alongside the neighbouring dwelling "Alexandra Villa" and directly fronting onto Trenders Avenue. The site would have a frontage of 22m and depth of 28.5m. On the plot is proposed a detached four bedroomed house with a double range roof pitched to the street to an overall ridge height of 8.75m and a height of walling to eaves of 5.1m. The house proposed would have an overall width of 9.5m (excluding the chimney stacks) and a depth of 12.1m excluding the front porch. The building would be finished in smooth rendered walls to the front with cream coloured boarding to the side. The roof would be finished in clay plain tiles. The windows and doors would be in timber.

SCHEDULE ITEM 1

- 1.4 The proposed house would be sited central to the plot width and a pitched roofed detached garage is proposed to the northern side of the proposed dwelling between it and the neighbouring dwelling "Alexandra Villa". The garage and dwelling would access directly onto Trenders Avenue.

RELEVANT PLANNING HISTORY

- 1.5 Application No. LDC/0321/94/ROC
To establish certificate of lawfulness for use of land as demolition contractors depot. Certificate granted 12 September 1994 for:-
- 1.6 The use of land edged in red on the plan attached hereto for the sui-generis use of a demolition contractors yard consisting of the composite uses of the open storage of reclaimed building materials and the sale of reclaimed building materials.
- 1.7 Application No. 03/00303/FUL
Erection of a barn for the storage of reclaimed building materials.
Permission refused 27 May 2003.
Reason: Green Belt grounds.
- 1.8 Application No. 03/00760/FUL
Erect detached building to be used for staff canteen / rest room facilities.
Permission refused 9 October 2003.
Reason: Green Belt grounds.
- 1.9 Application No. 05/00105/FUL
Redevelop reclamation yard and construct three detached five bedroomed houses with double garages and access from a private drive.
Permission refused 16 May 2005.
Reasons: Green Belt grounds, highway grounds and the absence of information on protected species.
Appeal dismissed 10 September 2005.
- 1.10 Application No. 07/00312/FUL
Re-develop reclamation yard and construct four detached four bedroomed bungalows with double garages and access from private drive. Re-surface Trenders Avenue.
Permission granted 10 August 2007.
- 1.11 Application No. 09/00013/FUL
Redevelop reclamation yard and construct 4 detached barn style houses grouped around a courtyard area with detached garages and access from private drive. Resurface parts of Trenders Avenue and upgrade street lights.
Permission granted 24 February 2009.

SCHEDULE ITEM 1**CONSULTATIONS AND REPRESENTATIONS****1.12 Rawreth Parish Council:**

Consider the development of a fifth property would result in overdevelopment and over intensification of the site and in addition the proposed new property is extremely close to an existing established dwelling.

1.13 The proposal to develop a new dwelling in open and generous front space of the newly formed development would detract from the layout of the site that was previously agreed by the District Council and in the Parish Council's opinion would prove obstructive and detrimental to the character and appearance of the street scene and openness of the Green Belt.**1.14 Essex County Council Highways:**

Advise that although the proposed garage does not meet the recommended dimensions contained within the adopted guidance, there is still space for two vehicles to park within the site. Therefore have no objection to raise subject to the following heads of conditions to the grant of permission:-

- (1) 1.5m x 1.5m Pedestrian visibility splay.
- (2) Garage to be sited a minimum distance of 6m from the highway boundary and hardstandings to be of minimum dimensions of 2.9m x 5.5m.
- (3) No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- (4) Provision within the site of an area for the parking of operatives vehicles and materials for the duration of the construction period.
- (5) Submission of details to prevent the discharge of surface water from the development onto the highway.

1.15 Natural England:

Advise that the application is in close proximity to Crouch and Roach Estuaries Site of Special Scientific Interest; however, given the nature and scale of the proposals. Natural England raises no objection to the proposal.

1.16 If the Council become aware of, or representations highlight the possible presence of protected or Biodiversity Action Plan species on the site, the Council should request survey information form the applicant before determining the application to better understand the impact of the development upon those protected species.**1.17** Advise that if the proposal is on or adjacent to Local Wildlife sites, the Council should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

SCHEDULE ITEM 1

- 1.18 Advise further that the development may present an opportunity to incorporate features into the design which are beneficial to wildlife such as roosting opportunities for bats and bird nesting boxes.
- 1.19 **Environment Agency:**
Advise that an environmental permit or exemption may be required for the proposed private sewage treatment plant.
- 1.20 **Rochford District Council Head of Environmental Services:**
Has no adverse comments to make in respect of this application.
- 1.21 Advise that the location is on a site of a previously potentially contaminative use and, therefore, the full model conditions for contaminated land should be included in any permission which is granted.
- 1.22 **Rochford District Council Arboricultural Consultant:**
No comment to make.
- 1.23 **Neighbours:**
One letter has been received from the following address;
- 1.24 Trender Avenue: "Stock Lodge"
- 1.25 And which in the main makes the following comments and objections:
- Application represents significant overdevelopment of a site already overdeveloped
 - Concerned at the additional traffic that building another substantial property is likely to generate. The single track nature of Trender Avenue severely militates against large volumes of traffic and to encourage any development which is likely to increase traffic levels further is reckless
 - Existing single track road with limited lighting and no footpath facilities is already under intense pressure. It is used regularly by horse riders, walkers and ramblers, which means that to deliberately encourage further developments has the potential to create further tensions and road safety anxieties within Green Belt.
 - Very intense usage of Trender Avenue occurs when football pitches at the far bottom of the road are in use often creating nose to tail queues limiting access for emergency vehicles. Further development will only exacerbate these problems

SCHEDULE ITEM 1**MATERIAL PLANNING CONSIDERATIONS**

- 1.26 The construction of new buildings in the Green Belt is inappropriate development. The applicant must therefore demonstrate that very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm caused by the development for the application to be approved.
- 1.27 The applicant submits the following very special circumstances of the site history for consideration:
- 1.28 The Council has accepted the principle of residential development of the site in the past. In the report that concerned the application allowed in 2007 the officer report stated, "...it would be made extremely difficult, if not impossible, for the authority to resist additional development on the site, given the national policy requiring that efficient use be made of available land".
- 1.29 Members granted approval due to the overall improvement in appearance and amenity of the site that would result from the development.
- 1.30 The 2007 decision resulted in a recommendation for approval from officers for the 2009 application for four bungalows. The officer report stated that, "...the intensification of the approved residential use is therefore difficult to resist now since the principle of residential use is established".
- 1.31 The applicant considers that as the principle of residential use has been established as acceptable here, it would seem sensible to make more efficient use of the land available.
- 1.32 The proposal offers the opportunity to provide an additional home without compromising the openness of the site to any significant extent.
- 1.33 The applicant argues that whilst the design and layout of the barn scheme now being implemented on the site is not a true barn conversion, they have reference to such schemes common to rural areas. Where this arrangement exists on a farm it is often the case that a farmhouse exists in close proximity. This is the inspiration for the design and siting of the dwelling currently proposed and which, in the applicants view, would complement the development under construction.
- 1.34 In addition the applicant submits the following letters from residents in support of the application (summarised):
- 1.35 "Urqhart House" Trenders Avenue: Have seen the plans for the fifth house and have no objections.
- 1.36 "Alexandra Villa" Trenders Avenue: Are in full agreement with the proposal to build a fifth house and look forward to the completion of the project.

SCHEDULE ITEM 1

- 1.37 "Pine Cottage" Trenders Avenue: Have no concerns about a house being built at the front of what was Searles reclamation site. Have seen the plans and think it will look nice and finish off what is a very nice looking development.
- 1.38 "Holmfield" Trenders Avenue: Have seen the new plans for the house proposed to the front of the development site and pleased to say I think the house will finish the development nicely and be an improvement to the road and surrounding area.
- 1.39 "Bricklayers Arms" Trenders Avenue: After inspecting the plans am very happy with this project as I feel it will further improve the road and area.
- 1.40 "Millview Trenders Avenue": Understand that permission is requested to build an additional house positioned to the front of the Trenders Barn development to compliment the courtyard and four barn style properties. When building land is in short supply, it seems counter productive not to make full use of a plot such as this in order to alleviate pressure on the areas Green Belt. Also the area of the site bordering Trenders Avenue lends itself to an additional property without making the plot over dense.
- 1.41 Have been very impressed with the standard of the ongoing development at the yard and also the efforts made by the developers to minimise disruption to the residents.
- 1.42 "Goldsmith Paddocks" Goldsmith Drive: Having seen the plans for a fifth property to be built at the building project at Trenders Avenue, as a resident and part of the local community have no objections.
- 1.43 Officer comment:
- 1.44 In dismissing the appeal on the application for three houses (ref: 05/00105/FUL) the inspector concluded , amongst other things and having regard to the size of the buildings on the site and the extent of the site used for storage, that in some parts of the site the stored material was to a height similar to the eaves of a dwelling (paragraph 17 to the Inspectors Decision Letter (IDL).The inspector acknowledged there was no height restriction to the open storage (paragraph 18 to IDL) and visible to Trenders Avenue (paragraph 19 IDL).
- 1.45 That previous proposal sought permission for what the inspector concluded were three substantial houses, taller than existing structures (paragraph 19 IDL). The inspector noted in particular the house then proposed to plot 1 similarly sited to the current proposal, that due to the height and mass of that dwelling would be more dominant in appearance than structures and materials associated wit the reclamation yard. Whilst there could be tall stacks of materials in the same position these would however be unlikely to be permanent. That previous siting of the house was consequently considered

SCHEDULE ITEM 1

more harmful and having a different impact upon openness than the lawful use of the site.

- 1.46 The above considerations are material to the issues in the current application. Specifically they address the harm of building dwellings in the site frontage which the inspector gave significant weight. This finding remains directly relevant to the current application.
- 1.47 Members will be aware that the barn style alternative development was presented for consideration on the basis that, firstly, the number of such houses should not exceed the principle of four dwellings approved by application 07/00312/FUL.
- 1.48 Secondly, officers found that the alternative barn type development although resulting in four substantial buildings, had the benefit of greater architectural legibility in that otherwise the approved cul-de-sac of four bungalows approved would appear out of place. The four barn-style dwellings would have a far better setting within the plotland setting and would compare to the barn at the nearby fisheries and that alongside Trenders Hall both near to the site. The increased size was justified to off-set the potential of the site for more intense development on which the applicant now seeks to rely.

CONCLUSION

- 1.49 Officers are clear that whilst the change from bungalows to barn-style dwellings was acceptable and that the additional dwelling now proposed would be inappropriate, that no very special circumstances now exist to override the harm by way of inappropriateness that arises. Furthermore this proposal would be harmful to the openness and visual amenity of the area particularly given the forward and prominent position it occupies along Trenders Avenue and in the setting more generally; it also amounts to piecemeal urbanisation of this part of the Green Belt.

1.50 HIGHWAY ISSUES

Trenders Avenue has been resurfaced and the street lights upgraded in accord with the requirements of the previous permission. The County Highways authority raises no objection to the intensification arising from the additional dwelling proposed.

1.51 ECOLOGICAL ISSUES

The site has been cleared and scraped in accordance with the requirement of the approved scheme to decontaminate the site. No ecological issues are understood to affect this particular plot.

SCHEDULE ITEM 1

Other issues:

The proposal would meet the requirements for gardens and car parking space.

The first floor side windows would serve en-suite bathrooms and can be obscure glazed by condition to the grant of permission. The dwelling at the rear (plot 1 to barn style development) would be located 25m from the rear windows to the dwelling proposed and thus no adverse overlooking would arise for adjoining occupiers as a result of the development proposed.

CONCLUSION

- 1.52 The site is located within an area allocated Metropolitan Green Belt in the Council's saved Local Plan (2006) Notwithstanding the site history and the permission for redevelopment, subsequent permission for development of the site for four houses in a barn-style design has taken into account the additional potential of the site to be developed more intensely. The current proposal is therefore inappropriate, would harm the openness, visual amenity and further urbanise the Green belt.

RECOMMENDATION

- 1.53 It is recommended that the Committee **RESOLVES** to **REFUSE** planning permission for the following reason:-
- 1 The Rochford District Replacement Local Plan 2006 shows the site to be within the Metropolitan Green Belt. Within the Green Belt, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies R2 and R5 of the Local Plan), for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sports and recreation, cemeteries or similar uses which are open in character. Any development which is permitted shall be of a scale, design and siting, such that the appearance of the countryside is not impaired.

The proposal for the development of this site does not fall into any of the above categories and it is the opinion of the Local Planning Authority that no evidence has been presented to sufficiently justify overriding the strong presumptions against the construction of new dwellings in the Green Belt. The proposal would therefore be inappropriate and would further urbanise the site on a piecemeal basis detrimental to the openness, visual amenity and character of this part of the Green Belt.

SCHEDULE ITEM 1

Relevant Development Plan Policies and Proposals

CP1 Rochford District Council Local Development Framework Core Strategy
Adopted Version December 2011.

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

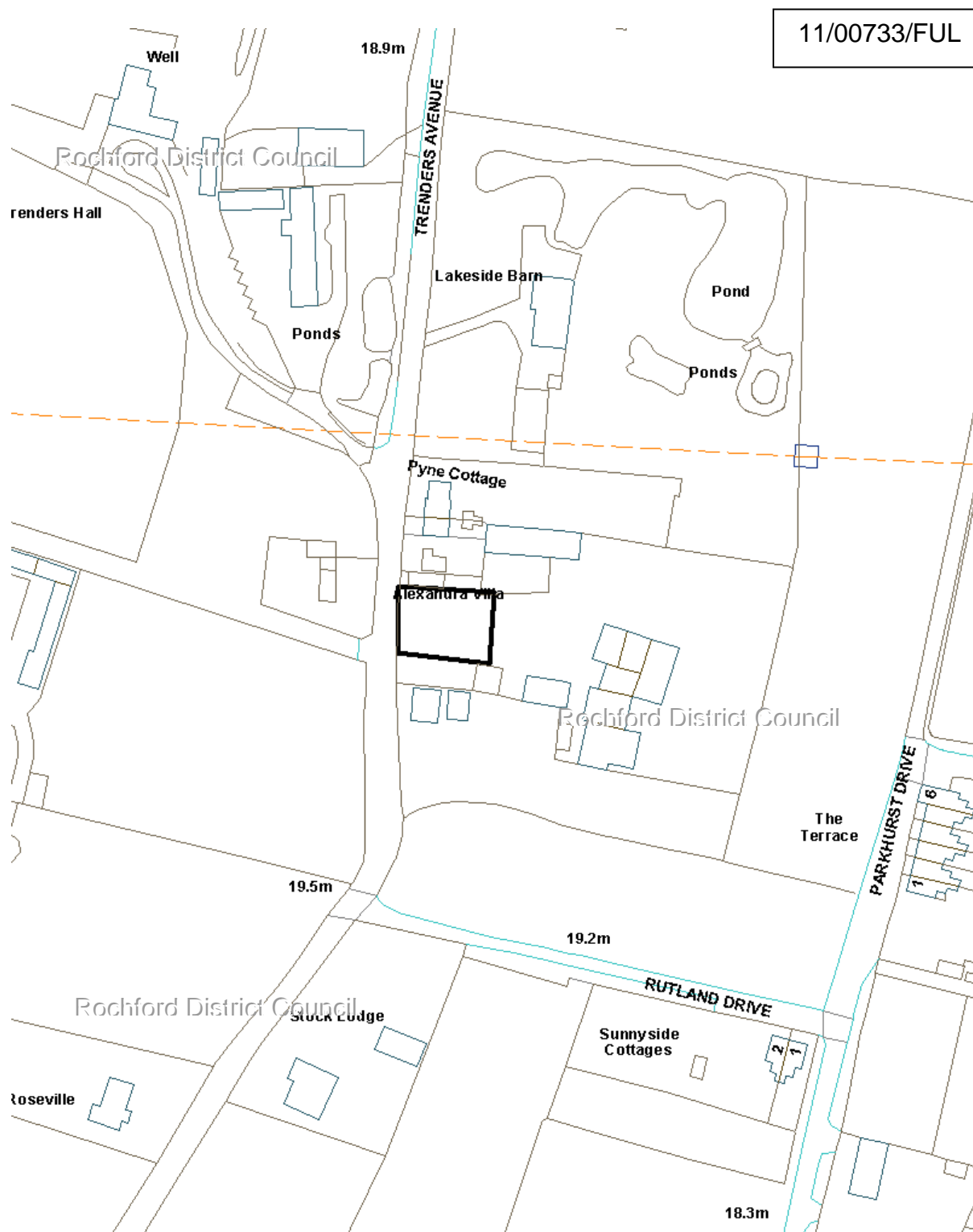
Standard C3 of the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010.



Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 1

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NTS



SCHEDULE ITEM 2

TITLE:	11/00492/FUL DEMOLISH CARE HOME AND CONSTRUCT NEW CARE HOME (USE CLASS C2) AND 43 No. DWELLINGS COMPRISING 19 No. TWO BEDROOMED AND 24 No. THREE BEDROOMED HOUSES AND PARKING. RECONSTRUCT EXISTING ACCESS FROM LONDON ROAD. ELIZABETH FITZROY HOMES, LONDON ROAD, RAYLEIGH
APPLICANT:	ELIZABETH FITZROY SUPPORT AND WESTON HOMES (HOUSING) LTD.
ZONING:	COMMUNITY USE AND METROPOLITAN GREEN BELT
PARISH:	RAYLEIGH TOWN COUNCIL
WARD:	SWEYNE PARK

PLANNING APPLICATION DETAILS**The site and location**

- 2.1 This application is to a site set back from the highway some 90m on the northern side of London Road almost opposite the junction made with Louis Drive West. On the site is an existing single storey pitched roofed building set in extensive grounds and in use for residential care. The site access is shared with two halls located between the front of the site and the limits of the highway.
- 2.2 Immediately adjoining the site to the east are the former offices of E-On electricity provider.
- 2.3 To the south east of the site a recent development of fourteen houses now exists. Immediately to the west of the site are buildings and playing fields in use by a social club. A dwelling exists some 70m to the south west of the site adjoining a petrol filling station.
- 2.4 The site has an area of 1.36ha with lawned grounds behind the main building and hard surface areas and with trees and hedging to the site boundaries and the eastern side of the site.
- 2.5 Part of the eastern side of the application site forms extended grounds behind the existing building and includes an area of Poplar trees the subject of Tree Preservation Order 1/82.

SCHEDULE ITEM 2

- 2.6 Part of the western side of the application site also forming the extended grounds includes an area of mixed tree species consisting mainly of Oak, Hawthorn, Field Maple and Sycamore the subject of Tree Preservation Order 26/09.
- 2.7 The front part of the site is allocated for community use in the Council's adopted Local Plan (2006). The rear part of the site is allocated Metropolitan Green Belt.

PROPOSAL

- 2.8 The proposal is to demolish the existing care home building located on the western side of the front of the site and construct a development comprising a replacement care home and residential development of 43 houses accessed from an extension of the existing access which currently serves the site and the adjoining Pope John Paul Hall and Scout Hut.
- 2.9 The site would be served by a minor access road formed from the existing access serving the site.
- 2.10 The layout would provide the new replacement care home to the east and opposite the existing building on land adjoining the end houses of the new cul-de-sac at Gunn Close.
- 2.11 The residential development of 43 houses would be laid out in a continuous frontage to the minor access road but with Mews Courts leading off the main frontage in terraced and semi-detached form with the exception of the detached house to plot 24. The access road continues for the depth of the site stopping at the northern boundary to allow for the development of areas beyond. The layout provides for 100 car parking spaces throughout and distributed between the care home, individual dwellings and visitor spaces.
- 2.12 No affordable housing is proposed as part of the application. The applicant argues that the Council's affordable housing policy should be set aside in favour of the provision of the replacement care home and that a viability assessment shows that, as a result, no affordable homes can be provided in the scheme.
- 2.13 The proposed care home would comprise a new two storey building comprising 15 no. bedrooms with communal kitchen, lounge areas, laundry and shared bathrooms arranged in three circulation houses connected internally across an "L" shaped plan format but with a degree of independence such that the style is similar to living as a terrace of three dwellings.

SCHEDULE ITEM 2

- 2.14 The building would have an overall ridge height of 8.5m with walling to an eaves height of 4.9m. The cross wings would have a slightly lower ridge line at 8.2m but the same eaves height.
- 2.15 The proposed housing would comprise 19 two bedroomed and 24 three bedroomed houses, 43 houses in total.
- 2.16 The proposed housing would be predominantly two-storey ranging in height between ridge heights of 9.75m - 7.6m. The predominant eaves height of 5m is consistent between all two-storey house types. A two and a half-storey semi-detached house type featuring rooms in the roofspace with one pitched roofed front dormer and one rooflight on the rear elevation is proposed to plots 25 and 26. A three-storey house type to plots 10, 32 and 38 is the exception having an overall height of 10.35m to ridge and eaves height of 7.6m.
- 2.17 The houses would be finished in a mixture of local stock facing bricks, dark stained horizontal timber boarding and painted smooth render to the walls. The windows and doors would be uPVC. The roof finish would be in plain concrete roof tiles with no further information at this stage on the proposed colour or texture.
- 2.18 The carriageway would have a width of 4.8m with a pedestrian footway of 1.5m and 2m width each side. The minor access way proposed is sufficient to serve up to 100 dwellings.
- 2.19 There have been pre-application discussions between the applicant and officers. The applicant also met with the Portfolio Holder for Planning and Transportation, the Leader and Ward Members to hear about the proposals and to ask questions of clarity and understanding of the application now submitted for consideration.
- 2.20 Members held an accompanied site visit on 7 January 2012.

RELEVANT PLANNING HISTORY

- 2.21 Application No. ROC/1106/80
Erect a home for the mentally handicapped with supporting staff.
Permission granted 4 February 1981.
- 2.22 Application No. ROC/021/90
Single storey day centre for mentally handicapped children.
Permission granted 23 February 1990.

SCHEDULE ITEM 2

- 2.23 Application No. F/0367/98/ROC
Retain Two Portable Buildings, One for Use as Day Centre, One For Use as Staff Meeting Room, Offices and Toilet.
Permission granted 2 December 1998
- 2.24 Application No. 07/00664/FUL
Demolish Existing Building and Construct One Part Two Storey, Part Single Storey Building Containing 9 No. Bedrooms With Shared Communal Facilities, One Part Two Storey, Part Single Storey Building Containing 6 No. Bedrooms With Shared Communal Facilities and One Two Storey Building Containing 8 No. Two Bedroomed Flats With Access and Parking Areas.
Permission granted 11 September 2007.

CONSULTATIONS AND REPRESENTATIONS

- 2.25 **Rayleigh Town Council:**
Object due to overdevelopment of the site and an increase of traffic onto an A road which is adjacent to a busy petrol filling station, convenience store and car showroom.
- 2.26 **Essex County Council Schools and families:**
Confirm there are likely to be sufficient places available at early years and childcare, primary and secondary level to serve the needs of the development. Will not therefore be requesting a Section 106 education contribution.
- 2.27 **Essex County Council Urban Designer:**
Advise that the layout is generally satisfactory and has been considered in relation to an overall master plan for future development. It is a pity that the phase 1 development (development of 14 houses at site of 206 London Road) has not been better integrated, with more connectivity. The central public open space would be better without two parking spaces so that there could be more soft landscaping. The rear parking courts could be improved by more tree planting within them to divide up the parking spaces or define the entrances.
- 2.28 The house types are generally bland; some have a poor relationship of solid to void on the front elevations (plots 11, 30 and 31). Often windows at first floor are larger than those at ground floor not conforming to the traditional hierarchy. The three storey narrow fronted house used amongst single storey car ports on plot 10 is too dominant and out of scale with the street scene. With its blank side flank exposed, likewise the three storey gable on plot 38, which detracts from the unity of the terrace. Although there are a lot of car ports along the street, they are mostly set back from the house frontages and do provide variation in ridge lines.

SCHEDULE ITEM 2

- 2.29 The design of the care home is quite bland and would benefit from more variation in the eaves and ridge lines. Sometimes symmetry has been achieved centred on the gables while in other cases doors are uncomfortably slightly offset. It is not obvious where the main reception is with the many entrance doors and this could be given more prominence by full height glazing. Separate entrance doors to the different houses are confusing as the overall design does not reflect the different units. Doors to bedrooms should be distinguished from entrance doors in all cases. The parking area could benefit from some tree planting.
- 2.30 **Essex County Council Specialist Archaeological advice:**
The site is traversed by the Roman Road (RCHME x119r) running east – west between Wickford and Rochford. Two third/fourth century Roman features were uncovered to the north of London Road at Park School but to date no defined focus for Roman settlement in the area has been located. Excavation to the north of the development site has also revealed a large and high status Anglo Saxon cemetery. Underlying the Saxon cemetery was a scatter of prehistoric pits and post holes dating to early and middle Iron Age. The location of the Saxon settlement is unknown but is likely to be close to the cemetery.
- 2.31 Archaeological finds/deposits from prehistory, Roman and Anglo Saxon periods are likely to survive within the development area, particularly features associated with the construction of the Roman road and other evidence of activities associated with roadside locations.
- 2.32 Recommend full archaeological condition:
- 2.33 “No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.”
- 2.34 **Natural England:**
Advises that the proposal does not appear to affect any statutorily protected sites or landscapes or have significant impact on the conservation of soils, nor is the proposal EIA development.
- 2.35 The protected species survey has identified that bats may be affected by this application. The survey report accompanying the application highlights that there are suitable features for roosting such as buildings, trees or other structures that are to be impacted by the proposal. Conclude that the application does not involve a medium or high risk building and that permission could be granted and the Council should consider requesting enhancements to further support the local bat population.

SCHEDULE ITEM 2

- 2.36 **Environment Agency:**
Advise that the site is over 1Ha and lies within flood zone 1 defined as having a low risk of flooding. The submitted Flood Risk Assessment (FRA) should address how surface water management on the site shall be conducted post development.
- 2.37 Section 8.2.5 within the FRA details how the current run off rate for the site is 29 litres per second. The FRA then states within section 8.2.6 that storage attenuation will be provided for 446 cubic metres of water. This is adequate storage for the 1 in 100 year event with the inclusion of climate change, to allow discharge rates to mimic those of the site currently.
- 2.38 The FRA also details other potential options for managing the surface water on the site such as soakaways, which could be used in the detail design. If this is not feasible then the FRA has demonstrated that attenuation and restricted discharge of surface water can be achieved on site.
- 2.39 Based on the information submitted we are able to remove our previous objection subject to the following conditions to the grant of permission.
- 2.40 Condition: Discharge from the site shall be restricted to a maximum of 29 l/s
- 2.41 Reason: To avoid any increase in flood risk off the site.
- 2.42 Condition: Attenuation is provided for storm events up to and including the 1 in 100 year event with the addition of climate change.
- 2.43 Reason: To avoid any increase in flood risk off the site.
- 2.44 **Anglian Water:**
Advise of the presence of Anglian Water assets within or close to the development and require an informative to the decision notice that the layout of the site takes these into account.
- 2.45 Advise that the foul drainage from this development is in the catchment of Rayleigh Sewage treatment works that at present has available capacity for these flows.
- 2.46 Advise that the sewerage system at present has available capacity for the flows arising from the development.
- 2.47 Advise on the use of Sustainable Drainage System in preference to connection to the surface water sewer. The surface water strategy / flood risk assessment submitted with the application is unacceptable. Advise that the applicant should consult with the Environment Agency and Anglian Water and that a condition requiring a drainage strategy to be agreed cover this issue.

SCHEDULE ITEM 2

2.48 Recommended condition:

No development shall commence until a surface water strategy/ flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

2.49 **Rochford District Council Engineers:**

Advise that the surface water drainage is not detailed, limited public surface water sewers available in the vicinity of the site, sustainable storm water drainage to be considered and detailed. Possible storm water on site storage.

2.50 **Essex Police:**

Object on the basis of a lack of information in relation to safety and security within the application. CABE and planning inspectors have advised that security and safety be incorporated within applications. Crime and the fear of crime are material considerations. Section 17 of the Crime and Disorder Act places a requirement on Local Authorities to consider Crime and Disorder when carrying out their functions which included planning. PPS1 and PPS 3 and the safer places document all seek crime free developments. Crime also has a carbon footprint therefore Essex Police seek planning condition that this development has to achieve Secured by Design Certification which will help reduce opportunities for crime in the house and care facilities within this application.

2.51 **Rochford District Council Parks and Woodlands Team:**

Advise that the tree report submitted as part of the application is not based on a proposed layout and therefore gives no details of trees to be removed or retained. Also there is no tree protection plan based upon the proposed layout to show how retained trees will be protected during the development. There are many trees on the site, some protected by Tree Preservation Order. Without this information it is not possible to assess the impact on the trees.

2.52 Recommend that a decision is not made on this application until the following are received:-

- A tree protection plan based upon the proposed layout showing trees to be removed, trees to be retained and how trees shall be protected during the development.
- The plan to include any areas of proposed works within the root protection areas and how these will be undertaken with minimal impact on retained trees.

SCHEDULE ITEM 2

- 2.53 **Rochford District Council Strategic Housing Manager:**
The lack of any affordable housing on the scheme is not considered acceptable.
- 2.54 Subject to a viability report, it is expected that a development of this size would be able to support the provision of 35% affordable housing with a tenure mix of 80% rented and 20% intermediate.
- 2.55 Analysis of housing register demand indicates the social rented accommodation would be in the following proportions.
- 1 bed – 36%
 - 2 bed – 37%
 - 3 bed – 25%
 - 4 bed - 2%
- 2.56 Analysis of intermediate housing demand indicates the following proportions:
- 1 bed – 69% (2 properties)
 - 2 bed - 29% (1 property)
 - 3 bed – 2% (zero properties)
- 2.57 Any provision of affordable housing should be included in a Section 106 agreement. This should include delivery triggers, nomination rights and other relevant matters. It would also be beneficial if a number of properties were disabled adapted.
- 2.58 As part of the redevelopment package, I would also support the replacement of the existing care home.
- 2.59 **Rochford District Council Head of Environmental Services:**
Recommend that if Members are minded to approve the application the following conditions should be attached to the grant of consent.
- 1) Full model contaminated land conditions 1 – 4
 - 2) Standard Informative 16 (control of nuisances)
 - 3) Site waste management plan informative
- 2.60 **Neighbour letters:**
15 letters have been received in response the neighbour notification, site notice and press advertisement and form the following addresses:

SCHEDULE ITEM 2

- 2.61 Gunn Close: 7,
London Road: 231,237,239,
Louis Drive Residents Association: (2 letters)
Louis Drive: 59,77,(2 letters)79a,
Little Wheatley Chase: 1,15,
Oakley Avenue: 16 (2 letters)
Bellway Homes in respect of the adjoining E-On site.
- 2.62 And which in the main make the following comments and objections:
- The main London Road is already very congested at many times during the day and with speeding traffic. Another 43 more cars entering the road will put a very difficult burden on this road.
 - Increased parking problems for existing residents made worse when football season starts and cars are parked on verges
 - Despite comments in the application details that there have not been any serious accidents in the last five years there have been three in the last three weeks, one fatal. Many accidents are not reported to the police but residents can report many they see. The result is nearly always inconvenience for other drivers.
 - Considerable number of junctions access onto the London Road A129
 - Little Wheatley Chase used as a by-pass to the traffic lights at Victoria Avenue and Hatfield Road.
 - Traffic conflict with filling station and mini mart.
 - An additional junction and more traffic not acceptable having regard to the heavy traffic flow in this section of London Road.
 - Concern at extra pollution the development will bring.
 - Concern for impact of the development upon wildlife.
 - Accept that more affordable housing is needed but not as proposed in this application.
 - Area is saturated with development. How much more is planned with phases 3 and 4?
 - Whenever the local school or sports club hold events (most weekends) the roads in the area are lined with parked cars and the area close the development is congested.
 - Nuisance from construction traffic
 - No pedestrian crossing to assist crossing the road.
 - This development is being looked at in isolation to proposals for major development at this end of Rayleigh.

SCHEDULE ITEM 2

- Needs to be a better look at the bigger picture. Safeguarding Green Belt is all very well but we must safeguard communities first, then get those communities to safeguard Green Belt. Green Belt could be defended by building a community around it who will love it and protect it.
- By adding more dwellings in the flood plain will increase the risk of flooding and the increase in concrete footings will push the water table up.
- Minimum parking offered by the proposal. Overspill for Gunn Close residents are parking in the Pope John Paul entrance without permission which is to serve as access to this development.
- Secondary schools are at capacity in the area. Junior schools are mostly full. Local doctor only opens 4 ½ days per week and is under pressure. Are provisions being made for another surgery?
- Infrastructure cannot cope with a lot more cars joining the road.
- Our Lady of Ransom School has upped its intake and bus service for children is to cease, meaning more school run parents cars in the locality.
- When the Pope John Paul building is used as a nursery mothers park in Louis Drive West and have to cross London Road which is especially hazardous when the filling station is taking deliveries or there are petrol queues onto London Road.
- Beg reconsideration is given to the siting of the proposed care home. Request a mirror image reversal of the layout. Understand that would be overlooked by housing (Nos. 7 and 8 Gunn Close) but this would be a much better outcome for the for the safety and privacy of our children and not affect the resale price of our home so much. At the very least please consider making a single storey building.
- The land was given to house the mentally ill and it is very wrong to take this surrounding away from the residents.
- Live opposite the entrance and car head lights shine into our front rooms (239 London Road) which is disturbing to us.
- Community need to be included in the decision making and planning. Whilst have every sympathy with the Elizabeth Fitzroy Homes, their facilities are shameful and their residents will not get the peaceful stress-free lives they are entitled to and will instead be crammed into an environment with so many new homes, people and traffic and no community.
- Better of building on Green Belt in a properly planned fruitful way than these rabbit hutch non communities.

SCHEDULE ITEM 2

- Extent of the proposed plans is excessive especially considering there are sites on the other side of Rayleigh which are also suitable for development.
- Bellway Homes is preparing an application for up to 110 dwellings for the adjoining E-On site and object to this current application on sustainability grounds as the application site includes Green belt and is not one of the chosen strategic releases appraised through the Local Development Framework evidence base. Brownfield alternatives should be used before ad-hoc Green Belt releases are granted.
- Object to the illustrative master plan contained within the applicants design and access statement which implies the former E-On site is party of the overall development which is not the case and Bellway Homes would like to make clear is not part of the same proposals.
- Intensification of the existing access. It is the view of Bellways consultants (Ardent Consulting Engineers) that the existing site access is substandard in terms of spacing between adjacent junctions being located some 30m west of the recently built out scheme at Gunn Close.
- The A129 is a strategic route linking Wickford and Rayleigh. As a County Road, it is important that sufficient junction spacing is provided along classified roads in the interests of road safety, as the position of several junctions in close proximity can impede visibility for drivers.
- The Essex Design Guide recommends a minimum same side junction spacing of 120m which is considerably greater than that achievable. The minimum spacing of junctions is related to the stopping sight distances for the speed of the road. London Road has a speed limit of 40 mph with actual 85th percentile (wet weather) speeds along this section surveyed at 40mph in both directions. Using the stopping distance values recommended in the Manual for Streets 2 and where HGV traffic is more than 5% of traffic flow, based on driver perception - reaction time of 2 seconds results in a desirable minimum value of 81m and this is well in excess of the provided 30m spacing.
- The junction spacing is therefore substandard and whilst is an existing problem, the intensification of use at the proposed access resulting from the development will exacerbate the safety problem and provides justification to reconsider the arrangements. The access is unsuitable and the council cannot safely grant planning permission. Therefore request the application is refused.

SCHEDULE ITEM 2**2.63 MATERIAL PLANNING CONSIDERATIONS**

The material considerations are as follows:-

Green Belt issue and the issue of land release in this general location and the need for comprehensive treatment of the site and future allocations

Affordable housing and economic viability

Access and highway issues

Density

Design, Scale and relationship to other buildings

Garden size issues

Privacy issues

Drainage issues

Arboricultural issues

Ecological issues

2.64 Green Belt issue and the issue of land release in this general location and the need for comprehensive treatment of the site and future allocations.

2.65 The site is allocated partly for Community Uses with the remainder of the site being land currently allocated Metropolitan Green Belt. The southern part of the site with the proposed replacement care home and 14 of the houses would not be in the Green Belt. This part of the proposal is consistent with the previous permission granted on 11 September 2007 but which has now lapsed.

2.66 The Green Belt issue in this application concerns the balance of the development amounting to the access road and 29 houses which would extend into the Green Belt. Such development is inappropriate and it is for the applicant to demonstrate that the harm to the Green Belt by way of inappropriateness and any other harm would be outweighed by very special circumstances concerning the application. The applicants set out the following circumstances they consider are very special to outweigh the harm caused by the application:

SCHEDULE ITEM 21) *Policy Background*

The applicants state that during the determination of this application the Council have adopted the Core Strategy on 13 December 2011. The Rochford Annual Monitoring Report 2010/2011 was published in January 2012 bringing up to date the Council's five year housing supply and Strategic Housing Land Availability Assessment (SHLAA). In combination these set out when and where housing is expected to be delivered over the next five years and the plan period. This policy change weighs in favour of the application.

Policy H1 to the adopted Core Strategy prioritises the re-use of previously developed land within existing settlements identified in the SHLAA and that remaining housing required will be met through the extension to existing settlements under core Strategy Policy H2. The Key diagram to the Core Strategy shows a general location for 550 dwellings on land north of London Road between 2015 – 2021. Furthermore it is understood the council will maintain a flexible approach with regards to the timing of the release of land to ensure a constant five year supply as required.

- 2.67 Officer comment: The site is considered to be in the general location 'north of London Road' identified in Core Strategy policy H2 for housing development post 2015 and the housing trajectory set out in the Council's latest annual monitoring report shows none of the total quantum of 550 units being delivered before 2018/19; the general location does not therefore feature in the five year land supply 2011 – 2016. This is unlike applications for development on sites in other general locations recently considered by the Council at Brays Lane, Ashingdon, Rectory Road/Christmas Tree Farm, Hawkwell, and Hall Road, Rochford, where the Council accepted that the contribution from those sites was part of the five year supply. Nevertheless it is noted that the potential 14 units on the part of the site not in the Green belt are counted for delivery in 2013/14 as shown in the 2010 amendments to the SHLAA (Strategic Housing Land Availability Assessment - page 75).
- 2.68 Notwithstanding the 14 units shown in the SHLAA, there is no pressing need for the release of the site as a whole to contribute towards the five year supply for housing in the District.
- 2.69 The applicant states that the development would not undermine Policy CLT6 to the adopted Core Strategy by undermining the provision of community facilities because the existing facility would be maintained and a new care home provided.

SCHEDULE ITEM 2

2.70 The applicant sets out a schedule in the supporting statement to the application that describes a timetable from the resolution to grant planning permission in January 2012, completion and furnishing of the care home in March 2014 to completion of the fourteenth house up to the Green Belt area on 31 May 2015. The applicant argues therefore that that part of the application site to which Policy H2 relates would not be commenced until after the start of 2015. Later completion given the economic climate and pace of sales is not inconceivable. As has been pointed out however the first tranche of new housing from development in west Rayleigh is not programmed in the housing trajectory until 2018/19.

2.71 It is also relevant to note and as discussed later in the report, there is no policy support in the adopted Core Strategy or the extant policies in the Local Plan to offset the provision of affordable housing on a development site by an alternative form of development. Core Strategy Policy H4 makes it very clear there is an expectation of affordable housing being a key component of all new housing developments in the District.

2) *The need for a new care home*

2.72 *The applicants advise that the care home should have already closed because the facilities are inadequate and inappropriate having had several temporary reprieves. It is not possible to take any more placements when rooms become vacant. This reduces the viability of the existing building and there is, the applicant argues, the threat of the loss of the existing facility if nothing is done.*

2.73 *The existing building is designed such that residents spend much of their time sharing communal living spaces. The individual nature of resident users, the demands of specific disabilities and in some cases behaviours has made such communal living difficult and in some cases dangerous. The danger comes not from a propensity to violence but frustration and anxiety for which many individuals do not have the ability to express themselves other than physically. Incidents of physical harm have escalated. Other effects result in withdrawal and isolation. Experience shows that such behavioural issues diminish where individuals are removed from large scale communal living situations which they find difficult or frightening to cope with. Elizabeth Fitzroy Homes and regulatory bodies identify that the existing premises are a contributing factor and state that small units of accommodation would be far more suitable.*

2.74 *The most appropriate arrangement is that a new building is constructed in the site grounds. The applicants propose a "turn key " arrangement whereby they would provide a new care home ready and furnished for the occupiers to move into. This would provide the minimum stress to this vulnerable population group the building would provide for.*

SCHEDULE ITEM 2

- 2.75 *The applicants argue that a cross subsidy from the benefit of the development proposed overcomes previous difficulty experienced with previous funding attempts and which is why the previous application approved in 2007 was never implemented.*
- 2.76 *The applicants argue that a refusal of permission would leave the charity in a serious financial position with the forthcoming absence of income. In addition there would be the loss of 30 local jobs and an uncertain future for Elizabeth Fitzroy Homes precluding development of the remaining residential development north of London Road due to a lack of access and causing a shortfall in the delivery of housing land.*
- 2.77 Officer comment: It would seem from the information presented there is likely to be public benefit from the provision of a new care home to replace the existing facility. The shortcomings of the care home is a sensitive matter but there is no specific evidence provided that demonstrates this is a one and only opportunity for the building to be replaced. For example, the release of Green Belt land for development in the general location specified in the Core Strategy north of London Road, in itself provides an opportunity, if this site is part of that release, for the likely increase in the value of the land, and to also consider the provision of a new facility within the overall plan for the location rather than the piecemeal proposal presented in this application. Together with the appropriate proportionate contribution towards the other infrastructural and services that this major planned release of 550 houses post 2015 is expected by policy H1 to deliver in a managed way as well as the requirements of policy CLT1 planning obligations and standard charges.

3) *Inclusion of the Pannell development land*

- 2.78 *The applicant refers to the inclusion within the site of land to both east and western sides that are in separate ownership. The applicants submit that if the application failed that land could be developed in a different way making the current scheme impossible to implement as now proposed.*
- 2.79 Officer comment: Sites in multiple ownership and the complexity of negotiations and contracts are not unique to this location and are frequently part of the land development equation. The exclusion of parcels of land that may be ill-fitting and visually harmful, but the applicants are suggesting an alternative development would result. Officers do not accept that the scheme now proposed is the only opportunity to replace the care home. It is very likely, as discussed above, that alternative comprehensive development in this general location may give rise to a better development, to the long-term benefit of the area, rather than simply accepting the piecemeal proposal presented in this application.

- 4) *Meets the expectations of Policy H2 to the Core Strategy for land to the north to accommodate part of a total of 550 dwellings.*

SCHEDULE ITEM 2

- 2.80 Officer comment: The access road width is inadequate to provide access for the total release of further land and would yield no more than a further 57 units. In effect to approve the development would mean an alternative access to the greater land area would be required.
- 2.81 The site needs to be considered in the context of the greater release of land and not lead to an incremental piecemeal approach that would harm the comprehensive treatment of the future of the locality. It is worth pointing out this concern about piecemeal incremental development without a cogent, carefully considered and approved masterplan was an important element of the deliberations on the application for development in West Rochford recently considered by the Development Committee.
- 2.82 Rather than meet expectations the proposal has the very real likelihood of failing to deliver a comprehensive treatment to meet future expectations for the area. Although the design and access statement seeks to show how the layout might have worked with an alternative proposal for the adjoining E-on site, this is inconsistent with the application submitted for this neighbouring site (ref: 11/00989/FUL). Furthermore, the indicative layout does not take into account the future release of land to the full allocation committed in the Core Strategy.
- 2.83 To bring forward the site ahead of 2015 now would avoid likely contributions the future allocation will be making to Community Infrastructure and the planned approach set out at appendix H1 to Policy H2 including a new primary school, public transport and highway infrastructure amongst other things as well as the requirements of CLT1.
- 2.84 It is not therefore necessary to release this site ahead of the commitment agreed in Policy H2, and certainly not in a piecemeal way.
- 5) *The layout ensures there would be no limitation on the redevelopment of the E-on site to the immediate east.*
- 2.85 Officer comment: Whilst the layout of the site proposed does not impact on the adjoining E-on site, the layout fails to integrate with the adjoining development and would lead to the development of sites in isolation that would lack connectivity and prevent sustainable movement between housing areas for pedestrian and cycle traffic. This very point reflects the longer-term concerns about the development of a cogent, carefully considered masterplan for future development.
- 6) *Recently TPO protected trees along the boundary of the E-On site will be safeguarded*

SCHEDULE ITEM 2

- 2.86 *The applicants argue there is ample scope within the layout to accommodate replacement tree planting and that new trees would not have the damage that has been inflicted on existing trees in the past and thus there will be a good development of tree coverage over time.*
- 2.87 Officer comment: Whilst a landscaping scheme showing retained trees has been provided, no information has been submitted to show the tree survey of the existing trees and the proposed layout to allow the Council to properly judge the merits of this application upon the longevity of existing trees to be retained or justification for the removal of trees due to the proposed layout . This failing prevents proper assessment of this aspect of the application but in any case is not a very special circumstance as any application to a site with existing trees would need to have the impact upon those trees considered. Furthermore, the applicant could not guarantee that trees planted or retained in the layout would not in future be damaged. Indeed it is often the case that applications are brought to remove or undertake works to trees on residential property by new owners or because of mortgage conditions.
- 2.88 Officers conclusion
Officers conclude that very special circumstances have not been demonstrated by the applicants to outweigh the harm to the Green Belt or other harm that would result by way of piece-meal ad-hoc developments and a lack of integration to achieve sustainable development.

Affordable housing and economic viability

- 2.89 Policy H4 to the adopted Core Strategy requires at least 35% of dwellings on sites of 15 or more units and greater than 0.5ha to be affordable; in this case the expectation would be the provision of 15 affordable units. The requirement may however be relaxed where the developer is able to demonstrate that 35% provision will be economically unviable rendering the site undeliverable. In such cases the council will negotiate the proportion of affordable dwellings based upon economic viability considerations.
- 2.90 The applicant's case is set out below, but it is important to note that whilst Policy H4 does have qualifications, specifically relating to viability assessment and site constraints, the policy does not indicate there is an opportunity to offset the provision of affordable housing on the grounds that an alternative facility is being provided by an applicant. In this case, part of the applicant's argument is that there should be no affordable housing provision given the intention to provide a replacement care home (as well as the required profit level); this is not an option allowed for in the policy or indeed in any other policy in the Core Strategy or extant policies in the Local Plan.

SCHEDULE ITEM 2

The Applicant's Case

- 2.91 The applicant has submitted a financial appraisal of the scheme which concludes that given the cost of the site and the need to provide a new care home facility furnished and equipped ready for occupation, that in this case no affordable housing can be afforded.
- 2.92 The applicant has first relied upon their own build costs arising from information obtained in the recent and adjoining development of 14 houses at "The Barringtons" at the site of the former 206 London Road. This concludes that the applicant's build costs are below the mean applicable in Essex and well below the upper quartile.
- 2.93 The applicant's assessment includes land financing costs to Elizabeth Fitzroy Homes, account for section 106 contributions (including education contributions but have assumed that as the Barringtons did not require and education contribution the same would be the case for this site). The assessment considers there is no alternative site value since the overriding requirement of Elizabeth Fitzroy Homes is to replace the existing home on the same site. The residual value is therefore less than the acquisition cost and consequently no affordable housing can be provided. Importantly the new care home is to be provided as a "turn key" operation immediately ready for occupation. Furthermore the applicants argue that the development would be at a suitable low density to suit the fringe location.
- 2.94 The applicant seeks to offset the costs of providing the care home against the need to provide affordable housing as the new care home can be seen as a contribution to community infrastructure. Importantly they consider as the existing unit is unfit for purpose the proposed replacement represents a significant benefit.
- 2.95 The applicants argue that by building the care home in advance, this precludes the provision of affordable housing in terms of cost and cash flow and the impact upon viability of the scheme as a whole and that they must base there assessment on a 20% profit margin.

Council's response

- 2.96 A starting point in the consideration of whether there should be an affordable housing contribution is the application of Policy H4. The applicant has sought to set aside the requirements of policy H4 arguing for the care home as an appropriate substitute. However, as has already been pointed policy H4 does not allow for this substitution. The assessment of the need for community infrastructure is legitimately a consideration of any planning application. So, for example, the applicant for the recently considered Hall Road application in Rochford is to provide a new school, and contributions towards, health care, and other facilities considered to be required in the area as a result of the development.

SCHEDULE ITEM 2

- 2.97 The same assessment is not being applied to this application by the applicant and on that basis it would be entirely appropriate to set aside the care home as a contribution and require the applicant to comply fully with the requirements of policy H4. In this case, there is no evidence presented of the need for any community facilities, though of course, an integrated approach, providing a masterplan and assessment of all requirements for the total quantum of development proposed in the north of London Road location will have a different outcome.
- 2.98 Setting aside the care home replacement, it is expected the full requirement for affordable housing from this proposal could be met. Of more importance is the conclusion reached by the independent assessor about the level of affordable housing that could be delivered together with the replacement care home.
- 2.99 Nevertheless, it is still necessary to also test the financial assessment submitted by the applicant and this has been undertaken by an independent consultant assessor. Following an interim draft report that did not agree with the applicant's position, there has been an exchange of information between the applicants and the independent adviser.
- 2.100 The independent assessor argues that the applicants anticipated build costs are very high and as such the independent assessor has reverted to defaults based upon tender prices to run the assessment. On this point there continues to be disagreement with the applicant. The independent assessor considers the proposed development will be capable of supporting levels of revenue at the lower ends of the market such that the independent assessor calculates a gross development value £490,000 in excess of the applicant's own figure which could contribute to affordable housing or other justifiable benefits.
- 2.101 The independent assessor considers that the existing use value should be looked at on the basis of the existing care home and the back land for residential development. The assessor accepts the existing building may have little value but considers that if the site were developed for say, sheltered housing it would have a fair existing use value of £250,000. The balance of the land for housing also has a negligible existing use value of around £15,000. These amounts combine to give a residual value of £265,000 and well below the applicant's assessment of £800,000. The independent assessor therefore considers that a 35% affordable housing contribution is viable.
- 2.102 In reaching this conclusion the independent assessor does not accept the applicant's argument that the ransom strip at the entrance of the site is valueless without planning permission.

SCHEDULE ITEM 2

- 2.103 The independent assessor does not accept as relevant that the other landowner “Pannell Developments” requires a specific return. The ownership pattern suggests that a re-worked scheme with a lower number of dwellings would avoid the need to use the land currently owned by Pannell Developments. Such enabling development would then presumably benefit Elizabeth Fitzroy Homes and Weston Homes would take a profit margin on the building process.

Conclusion

- 2.104 The main difference between the applicant and the Council is that the applicant has an expectation of a particular level of profit from the scheme. The applicant also proposes to furnish and fit out the replacement care home. These considerations are unusual. Normally it would be expected that public infrastructure is built and fitted out by the occupiers. Officers however consider that the development can make a full contribution to the provision of affordable housing.
- 2.105 In the event of the future release of land to the north of London Road and the inclusion of the site within such an allocation, Elizabeth Fitzroy Support would be able to invest the increased value of their site into provision of a new care home as well as into other public benefits. It is not therefore the case, that the opportunity to develop the site would be lost in event of planning permission not now being granted.

ACCESS AND HIGHWAY ISSUES

- 2.106 The application is accompanied by a Traffic Impact assessment which concludes that the existing site access is a priority junction that joins London Road and is suitable to accommodate development at the site as the layout meets relevant national and local highway design standards.
- 2.107 The assessment also concludes that the development will not have a detrimental impact upon the operation of the local highway network (London Road) or the existing site access junction during weekday peak hours during a 2016 assessment year. The traffic impact assessment undertaken confirms that the 43 dwellings proposed will generate limited additional traffic only 1.2% above background traffic levels and significantly below the assessment threshold recommended by the department for transport.
- 2.108 The assessment lastly confirms that a review of highway safety issues and road accident records for highways in the vicinity of the site over a five year period does not suggest a significant road safety problem in the area.
- 2.109 The County Highway authority comments are awaited at the time of writing but district officers understand that the county highway authority accept the transport assessment findings and would not wish to raise an objection the

SCHEDULE ITEM 2

proposed development. Informally the county officers advise that having considered all the submitted material the Highway Authority is satisfied that the proposed development is not contrary to Highway development control policies and can be accommodated on the highway.

- 2.110 The Highway Authority will make the Planning Authority aware that the proposed design of the scheme (4.8m carriageway) whilst conforming to the principles in the Essex Design Guide, would limit the number of units permitted if any further phases came forward. This carriageway width would not permit bus penetration into the site. Minimum carriageway width for a bus service to operate would be 6.75m.
- 2.111 Officers have met with the applicants for this site previously as well as the applicants for the adjoining E-on site. Amongst other things, district officers and reinforced by the views of county urban design and highway officers have advised the applicants of the need for the site to connect with those adjoining developments. Whilst it has not been required that vehicular traffic necessarily connect this site through to the E-On site, it has been emphasised that pedestrian and cycle connectivity with neighbouring housing areas is essential. Officers have advised that each applicant speak with the other to achieve this.
- 2.112 To this end the applicants have produced a master plan to show how the development now proposed might connect with potential development of the E-On site and other land to be released as committed in the Core Strategy. However this scheme itself does not dovetail to ensure such connectivity with the layout on the E-On site currently submitted for consideration under application 11/00689/FUL. In contrast, this neighbouring application does make provision for pedestrian linkage but it is not reciprocated by this layout. The current application unlike that proposed to E-On site makes no effort to achieve connectivity with the adjoining site.
- 2.113 This aspect of the need for connectivity between sites is fundamental to good planning and good design and the achievement of sustainable development, therefore the proposal is contrary to PPS 1 and Policy CP1 to the adopted Core Strategy. Furthermore, the road access type would only be suitable for up to 100 dwellings. It would not therefore be possible to serve a much greater future allocation to the area north of London Road and at the same time give access through this route to bus services because the carriageway width that would be required would need to be 6.7m in width.
- 2.114 The applicant has followed the preferred parking space size contained in the Council's adopted parking standards.

Care home parking requirements

SCHEDULE ITEM 2

- 2.115 The proposed residential care home features 15 bedrooms. Standard C2 to the Council's adopted parking standards requires car parking provision at the maximum of 1 car parking space per full time member of staff equivalent and 1 visitor space car parking space for each 3 bedrooms. The 15 bedrooms equate to a maximum requirement of five spaces for visitors to which additional spaces are required for full time staff.
- 2.116 The application details state that 35 persons would be employed full time at the site and which is taken to refer to the existing care home. The proposed care home would not change this requirement. The applicants have confirmed that no more than nine staff would be present on a shift. They further advise that just over 10% of staff do not use a car to travel to work. On this basis, the applicants consider that 7 spaces would be required for staff and not more than two spaces for visitors. They hold the view that the nine spaces would be adequate to serve the care home.
- 2.117 Standard C2 would require a maximum of nine spaces for the staff and a maximum of a further five spaces for visitors totalling a maximum of 14 spaces required. The site is on the edge of the Rayleigh settlement but with regular bus service and the mainline train station within 1 mile. Staff relying on public transport would however be affected by reduced weekend bus and train services.
- 2.118 Officers are not aware that the existing care home causes on street parking problems. The County Highway authority does not object to the car parking proposed. Given the better information provided by the applicants, which has influenced the design and layout, officers consider that the provision of nine car parking spaces is sufficient for the care home.

RESIDENTIAL PARKING REQUIREMENTS

- 2.119 Each dwelling proposed would be provided with 2 off street car parking spaces either within the plot or to car parking mews courts. These spaces are set out in the layout to the Council's preferred bay size.
- 2.120 Standard C3 also requires 0.25 spaces per dwelling for visitors thus requiring an additional 11 visitor spaces which are also proposed in the submitted layout.

DENSITY

- 2.121 The residential element would occupy 1.2ha of the application site and at a density of 35.8 dwellings per hectare. Whilst there is no longer a minimum density requirement, paragraphs 45 – 51 to Planning Policy Statement 3 Housing (June 2011) require an efficient use of land. The site is located at the edge of the Rayleigh settlement where higher density would look out of place as the landscape changes from open countryside to suburban housing. The

SCHEDULE ITEM 2

submitted layout therefore achieves an appropriate use of land and suitable density.

- 2.122 DESIGN, SCALE AND RELATIONSHIP TO OTHER BUILDINGS
- 2.123 The applicants have followed a similar design approach as that to Gunn Close which they have recently developed and which adjoins the application site. The layout was revised on 2 December 2011 to satisfy concerns raised informally by the County Highway Authority. The County Council's Urban Designer is generally supportive of the layout and principals but has concern at the detailing of the extent of walling in proportion to the windows on plots 11, 30 and 31 and the use of the three storey house type to the middle of the terrace to plot 38 in particular. Otherwise the County Council's urban designer finds the overall design of the house types to be bland including the appearance of the proposed care home which is argued could be improved by greater variation on the roof eaves line. The Council's Core Strategy policy CP1 sets out an ambition for high quality development in the district and the shortcomings in this proposal are such that the ambition of the policy would not be met.
- 2.124 The house types could be refined to achieve a hierarchy of windows such that the window sizes are reduced with each increase in floor. This approach is set out in the Essex Design Guide and contributes to the quality of the resultant living environment particularly where the layout is to be dominated by a built frontage.
- 2.125 The Council's urban design advisor has concerns about a number of design aspects of both the proposed housing and the replacement care home. Improvements are muted for the central open space, garage courts and parking area. Whilst the housing and care home are considered to be generally bland. With instances of poor window to void relationships, overlarge 1st floor windows and over dominant and out of scale narrow 3 storey unit set within lower building forms.
- 2.126 Concerns regarding the detailed design of the care home including its symmetry, lacking variation in roof eaves and ridge height, as well as lacking in visual clarity as to the principal entrance to the building with confusing multiple external doors.
- 2.127 Policy CP1 to the Council's adopted Core Strategy promotes good design that has regard to local flavour through the use of the adopted Supplementary Planning Documents such as the Essex Design Guide but is cautious at being overly prescriptive.

SCHEDULE ITEM 2

- 2.128 The development would enjoy its own setting but would exist alongside the redevelopment of Gunn Close similar in appearance and the redevelopment in future of the former E-on site as well as long term land released for housing.
- 2.129 Paragraph 33 to PPS 1 argues that good design ensures attractive and useable places. Paragraph 34 argues that good design for individual buildings contributes to making places better for people. However paragraph 28 also guards against unnecessary prescription instead arguing that concentration should be on the scale, density, layout height, massing and access in relation to neighbouring buildings and the area more generally. On balance therefore, the proposed buildings would have an acceptable relationship with adjoining buildings and the site surroundings, but, as indicated, the overall designs of the houses and replacement care home fall short in the design quality sought by the Council.
- 2.130 Officers consider the design ought to be better in light of policy CP1 which sets out an ambition for high quality development in the district and PPS1.

GARDEN SIZE ISSUES

- 2.131 As the layout comprises mostly terraced dwellings the council's space standards require the provision of a minimum of 50 square metres garden space. The proposed layout provides a wide ranging in garden sizes to the terraced units ranging between 50 square metres and 168 but generally between 50 square metres and 100 square metres. The exception to this is the two bedroomed terraced house to plot 4 which the applicant calculates at 50 square metres but which officers measure to only 49 square metres. The garden area to this dwelling is however useable and this minor failing, in officers' view, is not a sufficient reason by itself to refuse planning permission.
- 2.132 The proposed layout would achieve satisfactory rear garden areas and side isolation spaces in accordance with the Council's guidance.
- 2.133 The proposed care home would be retained with a private amenity area of 675 square metres. The Council does not have a standard for amenity space for units where care is provided to residents such as or nursing homes. At the Members' site visit a question was raised as to a comparison with other authorities. The adjoining Castle Point Borough Council has a requirement of 15 square metres per sheltered housing unit. Although a loose comparison this would equate to a need for 225 square metres amenity space which the current proposal way exceeds, as it does for the standard for sheltered housing unit in this district which is 25 square metres per unit equating to 375 square metres.

SCHEDULE ITEM 2**2.134 PRIVACY ISSUES**

Within the layout only the terraced houses to plots 32 and 33 directly oppose the front of the detached house to plot 24. These dwellings would be sited 25m apart in accordance with the distance required by the Essex Design Guide to maintain privacy. All other dwellings would be outward facing or at an angle to the dwellings to the rear that allows for a reduction in distance between dwellings so as to maintain privacy by design.

- 2.135 The proposed care home would be built on land to the eastern side of the site adjoining the two houses Nos. 7 and 8 Gunn Close. The care home building would follow an "L" shaped plan enveloping on two sides the proposed car park to serve the unit with the narrow end of the building closely adjoining No. 8 Gunn Close with the main part of the building 2m from the site boundary. This end elevation would feature an entrance door at ground floor to each of two flats beneath a canopy with a bathroom window and two bathroom windows at first floor. These windows would need to be obscure glazed to maintain privacy with the adjoining No. 8 Gunn Close. Otherwise the window pattern to other elevations would give views across the site of Nos. 8 and 7 Gunn Close similar to typical residential environments. Subject to the obscure glazing of the first floor windows to the end elevation facing Nos. 7 and 8 Gunn Close, the proposal would not therefore give rise to unreasonable loss of privacy to those adjoining occupiers.

DRAINAGE ISSUES

- 2.136 As originally submitted it was not thought that a Flood Risk Assessment would be required to accompany the application. Following holding objections raised by the Environment Agency the applicant has since submitted a Flood Risk assessment that concludes the site falls within Flood Zone 1 having a low risk of flooding and not subject to the sequential or exception test.
- 2.137 The accompanying outline drainage strategy for the site identifies feasible options for the management of surface water run off using sustainable drainage techniques. The proposed development will not therefore increase the risk of flooding elsewhere, other than in the case of the blocking of the drainage system or an event exceeding the design parameters of the drainage system.
- 2.138 The Environment Agency accepts the findings of the Flood Risk Assessment and withdraws their previous objection subject to conditions to the grant of permission requiring detailed submission of details to achieve attenuation for storm events up to and including the 1 in 100 year event with the addition of climate change and that discharge from the site shall be restricted to a maximum of 29 l/s.

SCHEDULE ITEM 2**2.139 ARBORICULTURAL ISSUES**

The application is accompanied by an Arboricultural report which concludes that the trees on the site are generally of low quality and insignificant value. Concern is raised at the potential danger to the neighbouring car park of a Poplar tree group that appear in danger of falling. Otherwise the report concludes that a few better quality specimens would benefit from removal of poor quality specimens to give them room to grow and develop to enhance the development. No details have however been provided to compare the tree survey with the proposed layout. It has not therefore been possible to accurately assess the impact of the proposal on trees protected and desired to be retained. As this consideration fundamentally affects assessment of the proposed layout it is not possible to consider this matter by way of the submission of details by way of a condition of the grant of permission.

ECOLOGICAL ISSUES

- 2.140 The application is accompanied by a reptile check and translocation report based upon 20 visits to the site between 4 May and 24 June 2011 in order to establish the population of reptiles on the site. The survey found the presence of Slow Worms and Common lizards. Common lizards and Slow Worms are protected from intentional killing, injury and sale. A material consideration is therefore that the development would not intentionally kill the species if the application were approved. The application must therefore properly mitigate and take every reasonable effort against this.
- 2.141 The survey counted a total of 106 adult slow worms and 15 juvenile Slow Worms were counted over the 20 days. The highest population of adults was 15 on 13 June. The highest population of juvenile Slow Worms was 3 on 16 June. These findings equate to an average of 5.3 adult Slow Worms per visit and 0.75 juvenile Slow Worms each visit and the presence of a low population.
- 2.142 A total of 14 Common Lizards were counted over the 20 days. The highest population counted was 3 on 16 June. This finding equates to an average of 0.7 Common Lizards each visit and the presence of a very low population.
- 2.143 The mitigation is to capture and relocate the species to a suitable receptor site being investigated for suitability. Natural England has no objection to raise against these findings. No details are provided for the receptor site but the matter of the receptor site preparation and methodology for relocation would need to be the subject of the submission of details to be agreed by a condition to the grant of permission.

SCHEDULE ITEM 2

- 2.144 The application is accompanied by a Bat emergence survey conducted at dusk on 5 June 2011 and dawn on 6 June 2011. The results found the presence of Common Pipistrelle activity around the hedge and tree line. No roost was confirmed on the site and, as such, the development is not considered to affect the roosting of bats.
- 2.145 The survey findings have been considered by Natural England who considers there are suitable features for roosting such as buildings, trees or other structures that are to be impacted by the proposal. Natural England advises that the application does not involve a medium or high risk building and that permission could be granted but the Council should consider requesting enhancements to further support the local bat population. The consideration of these measures would need to be a condition to the grant of permission.

CONCLUSION

- 2.146 The site is allocated partly for community use and partly Metropolitan Green Belt. The site is in a fringe location on the edge of the Rayleigh settlement adjoining more recent and proposed developments.
- 2.147 The proposal would represent inappropriate development in as much as 29 of the proposed dwellings would encroach into the Green Belt, for which no very special circumstances have been demonstrated by the applicant to outweigh the harm to the openness of Green Belt.
- 2.148 The Rochford District is experiencing a severe shortage of affordable housing. The application details fail to make provision for affordable housing in accord with Policy H3 to the Council's adopted Core Strategy (2011). Policy H4 does not provide a mechanism to offset the provision of affordable housing against the provision of other types of facility, including the replacement care home.
- 2.149 The submitted application details fail to demonstrate that the proposed layout would integrate well with neighbouring developments and so would prevent linkage between the residential areas by walking and cycling as practical alternatives to the car contrary to sustainable planning.
- 2.150 The application details fail to demonstrate how the proposed layout would impact upon existing trees and the longevity of those retained and it has not been possible to assess the impact of the development in terms of tree loss and the consequent affect upon the visual amenity of the site and locality.
- 2.151 The design of the proposed houses and replacement care home are unexceptional and certainly not to the standard sought in Core Strategy Policy CP1.

SCHEDULE ITEM 2

RECOMMENDATION

- 2.152 It is recommended that the Committee **RESOLVES** to **REFUSE** planning permission for the following reasons:-
- 1 The site is partly located within an area of Metropolitan Green Belt as defined in the Council's saved Local Plan (2006). Within the Green Belt permission will not be given except in very special circumstances for the construction of new buildings, other than the reasonable replacement of existing dwellings as defined in Policies R2 and R6 or necessary for agriculture or limited recreation that would keep land open. The proposal represents inappropriate development and no very special circumstances have been demonstrated by the applicant that would outweigh the harm to openness and other harm caused by the piecemeal ad hoc development of small parcels of land on the fringe of the settlement in a resulting unsustainable form lacking pedestrian and cycle integration with neighbouring and proposed adjoining development. If approved, the proposal would fail to ensure the comprehensive treatment of the greater land release and would fail to bring forward the proportionate contribution such release ought to make to community infrastructure provision contrary to Policy H2 and appendix H1 to the Rochford District Council adopted Core Strategy (2011) and Policy CLT1.
 - 2 The proposal fails to demonstrate conclusively that affordable housing cannot be provided and is contrary to Policy H4 of the Council's Adopted Core Strategy (2011). If allowed the development would lose the opportunity of providing affordable housing against the severity of the need for affordable housing in the Rochford District and which is one of the key priorities of the Local Planning Authority to maximise the provision of affordable housing through the planning system.
 - 3 The proposal fails to provide pedestrian and cycle connectivity to integrate the proposed layout with existing and proposed neighbouring development. The proposal would therefore fail to achieve a sustainable form of development allowing free movement of pedestrians and cyclists and convenient link with public transport as an alternative use of the car. Such need for connectivity between sites is fundamental to good planning and good design and the achievement of sustainable development. If allowed the proposed layout would prove contrary to PPS 1 and Policy CP1 to the Council's adopted Core Strategy.

SCHEDULE ITEM 2

- 4 The proposed detailed design of spaces and buildings fails to provide a high quality design for the site as expected by PPS1 and the Core Strategy Policy CP1. In particular, the central public open space is undermined by its use for parking; the housing has instances of poor window to void relationships, overlarge 1st floor windows and poor relationship and dominance of the narrow 3 storey house type. The care home has instances of poor symmetry to the gables, lacks in variation of eaves and ridge heights and is also lacking as to the principle entrance to the building and confusing multiple external doors.
- 5 The tree report submitted as part of the application fails to provide an assessment of the existing trees to be removed and the existing trees to be retained based upon the proposed layout. Furthermore there is no tree protection plan based upon the proposed layout to show how retained trees will be protected during the development. There are many trees on the site and adjoining the site, some protected by Tree Preservation Orders. Other trees have acknowledged value of some importance. Without this information it has not been possible to assess the impact on the development fully upon existing trees and their longevity and contribution to visual amenity.

Relevant Development Plan Policies and Proposals

H1, H2, H4, CP1 Rochford District Council Local Development Framework Core Strategy Adopted Version December 2011.

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

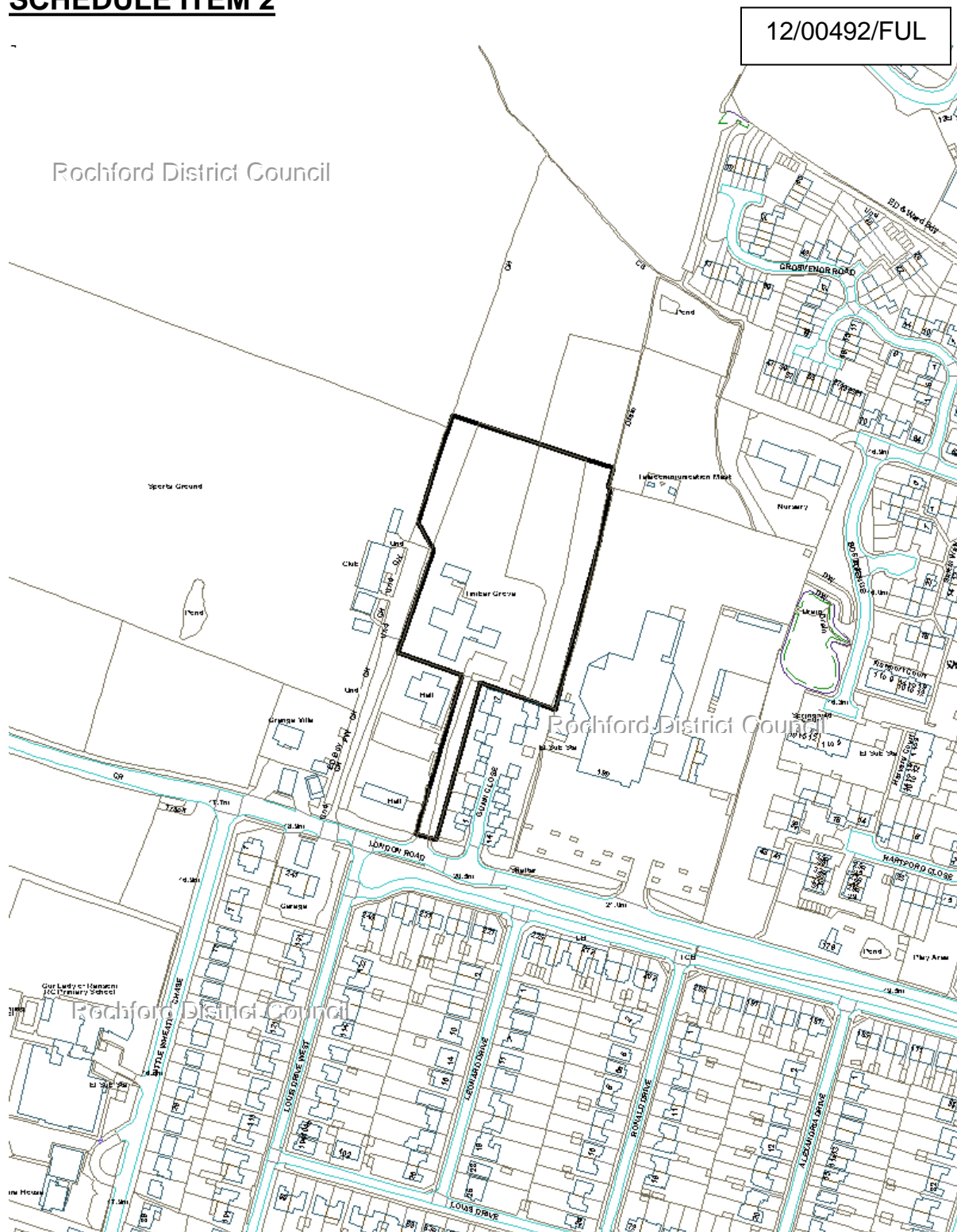
Standard C3 Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010.



Shaun Scrutton

Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

SCHEDULE ITEM 2

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NTS



CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

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

2. Your role as a Member of the Planning Authority

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

3. When the Code of Good Practice applies

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

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

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

C. Development Proposals and Interests under the Members' Code

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

Do then act accordingly.

Where your interest is personal and prejudicial:-

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

D. Fettering Discretion in the Planning Process

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

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

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does

not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-

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

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

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

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

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

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

J. Officers

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

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information

presented through an addendum to a Committee report or reported verbally by officers.

- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

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