



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
THE DEVELOPMENT COMMITTEE - 29 March 2012**

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

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

The above documents can be made available for inspection as Committee background papers at the office of Planning And Transportation, Main Reception Council Offices, South Street, Rochford and can also be viewed on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk).

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

Ward Members for Committee Items

**ASHINGDON & CANEWDON**

Cllr Mrs T J Capon  
Cllr T G Cutmore

**DOWNHALL & RAWRETH**

Cllr C I Black  
Cllr R A Oatham

**FOULNESS & GT WAKERING**

Cllr T E Goodwin  
Cllr C G Seagers  
Cllr Mrs B J Wilkins

**HAWKWELL WEST**

Cllr Mrs C Mason  
Cllr J R F Mason

**WHEATLEY**

Cllr A C Priest  
Cllr Mrs M J Webster

**REFERRED ITEMS**

- |         |  |                 |         |
|---------|--|-----------------|---------|
| Item R1 | 12/00014/FUL   | Robert Davis    | PAGE 4  |
|         | Proposed Road Traffic Collision Training Compound,<br>Fenced And Gated To Enclose A De-Brief Shelter,<br>Road Barrier, Lamp Post (Non-Illuminated) And Ditch<br>And A Proposed Working At Heights Training Tower<br>To Include 6.5m Tower With Screen<br>Fire Station Main Road Hawkwell |                 |         |
| Item R2 | 12/00029/FUL   | Mike Stranks    | PAGE 9  |
|         | Construct Pitched Roofed Industrial Building on Yard<br>2 Incorporating First Floor Mezzanine and Revise<br>Parking Layout to Adjoining Premises No. 24 Imperial<br>Park<br>Yard 2 Imperial Park Rawreth Lane  |                 |         |
| Item R3 | 12/00046/FUL   | Claire Robinson | PAGE 21 |
|         | Change Of Use Of First Floor For Retail Storage To<br>3no Flats ( 2 x 2 Bed And 1 x 1bed) Provision Of 3<br>Parking Spaces And Construction Of Stepped Fire<br>Exit To Ground Floor At Rear. Insert New Windows At<br>Ground And First Floor Level.<br>44 - 50 High Street Rayleigh      |                 |         |

**SCHEDULE ITEMS**

- |        |  |               |         |
|--------|--|---------------|---------|
| Item 4 | 11/00781/OUT   | Katie Rodgers | PAGE 31 |
|        | Outline Application for Residential Development of up<br>to 251 Dwellings, Open Space Provision and<br>Associated Access<br>Land South Of Coombes Farm Stambridge Road<br>Rochford |               |         |

- Item 5      11/00637/OUT      Katie Rodgers      PAGE 81
- Outline application to demolish existing bungalow and 3no. commercial buildings and for residential re-development comprising 3 x 2-bed, 9 x 3-bed and 1 x 4-bed houses. Access off Little Waking Hall Lane. All matters reserved except access, appearance and scale.
- York Bungalow Little Waking Hall Lane Great Waking

**REFERRED ITEM R1**

**TITLE: 12/00014/FUL  
PROPOSED ROAD TRAFFIC COLLISION (RTC) TRAINING  
COMPOUND, FENCED AND GATED TO ENCLOSE A  
DE-BRIEF SHELTER, ROAD BARRIER, LAMP POST (NON-  
ILLUMINATED) AND DITCH AND A PROPOSED WORKING  
AT HEIGHTS TRAINING TOWER TO INCLUDE 6.5M TOWER  
WITH SCREEN  
FIRE STATION MAIN ROAD HAWKWELL**

**APPLICANT: ESSEX FIRE & RESCUE SERVICE**

**ZONING: RESIDENTIAL**

**PARISH: HAWKWELL PARISH COUNCIL**

**WARD: HAWKWELL WEST**

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

This application was included in Weekly List no. 1122 requiring notification of referrals to the Head of Planning & Transportation on 29 February 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs C M Mason.

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

---

**NOTES**

- 1.1 Essex County Fire and Rescue Service seeks permission to provide training facilities at Hawkwell Fire Station. The proposal is for a road traffic collision (RTC) training compound and a working at heights (WaH) training tower.
- 1.2 The site is approximately 1970m<sup>2</sup> and situated on the northern side of Main Road. The site is within a residential area and is bordered by mainly two-storey detached houses to the south, east and west. Behind the site to the north is a small allotment area with several bungalows beyond which are 30m from the rear site boundary. The site comprises the main fire station building towards the front, a brick built drill training tower 16m in height, car parking and a large, open hard standing area.

**REFERRED ITEM R1**

- 1.3 The proposed RTC compound would be located in the north west corner of the existing site. The compound would have an approximate length of 15m, a width of 10m and be contained within a 1.8m high palisade fence. The compound would contain a training ditch within the existing ground, designed to simulate accidents involving vehicles that have left the road, which would have a length of 8m, width of 3m and a depth to the drainage channel of 0.9m. The compound would also contain removable sections of Armco barrier, mock road markings painted on the surface and an area at the eastern end 1m long and 2.4m wide for the storage of vehicles. Positioned by the rear boundary would be a 5m tall lamp post for crash training purposes only. This lamp post would not be supplied with power and would not be illuminated at any time. There would be a debrief shelter in the south west corner (1.6m width x 2.0m length x 2.25m height) with an aluminium frame, acrylic panels and fibre glass roof).
- 1.4 The proposed WaH training tower would be located in the north east corner of the site between the existing drill tower and the rear boundary of the site. The tower would consist of a two storey open steel frame structure with a 2.4m x 7.8m rectangular footprint and a maximum height of 6.55m. There would be a first floor training level 2.4m above ground level and a mock roof level 4.7m above ground. This roof would be comprised of two sections: a flat open steel grate to simulate flat roofs and a further pitched open steel grate with a ridge height of 6.15m and also features simulated eaves and guttering arrangements. Part of the front face of the tower would be clad with steel plating to simulate a house wall. Enclosing the tower and the working area immediately behind it would be a 3.6m x 8.5m privacy screen with a height of 6.55m. This would be clad with horizontal Essex Weather Boarding, or similar approved material, and would provide privacy protection to the residents of Uplands Road and Helena Close. The Main Road properties to the east of the fire station would be protected from the open sections of the tower by the existing vegetation along the site border and the blocking effect of the 16m high drill tower adjacent to the proposed WaH facility. Within the inside corner of the privacy screen would be manually operated external flood lights with one for each of the levels (ground, first and roof). Subject to the materials to be agreed for the privacy screening, the luminance from these lights would be contained within the structure with limited dispersion through the open front areas.
- 1.5 The RTC compound would provide training for the fire fighters and it is also intended to exploit the facility to promote road safety. The facility will also allow for the possibility to establish a new means of engaging with young people by giving learners a chance to experience extricating a casualty from a car, learn first aid, experience a crashed car simulation and overall learn why the emergency services place great emphasis on road safety and accident prevention.

**REFERRED ITEM R1**

- 1.6 The WaH facility would be strictly for the use of the fire service and not members of the public. The fire service would require that the proposed training tower would be used at any one time for a maximum duration of 3 hours at any time between 9am and 9pm up to 7 days a week. It is not considered that the stipulation of these times infers that the tower would be used for long periods on a regular daily basis, but that it reflects the other commitments of the retained fire fighters at Hawkwell.
- 1.7 The proposed development has raised concerns from local residents and eleven responses have been received. The main concerns relate to noise nuisance that has emanated from the site in the past, with residents referring to social and other activities not related to the fire service, and the potential increase that the proposed facilities would add. The activities, by their very nature, would entail the use of noise generating equipment, to some degree, as well as the use of voice commands. Such noise generated will be required as part and parcel of the essential training and it is considered that the proposed facilities are appropriate to the fire station. It is noted that the Head of Environmental Services has no adverse comments to make. With regard to privacy, overlooking and floodlighting concerns it is not considered that residents would be unduly affected. The tower would be screened in a suitable material to be agreed by condition which will contain light, noise and prevent views into, or out of, the tower. It is further not considered that the proposed facilities would lead to traffic problems in the area and it is noted that the Local Highways Authority has no objection to the proposal.
- 1.8 It is considered that the proposed development would provide an essential training facility for the use of the fire service and would provide a means to promote road safety. Although there have been concerns from local residents it is considered that the proposed facilities would not be harmful to the amenities presently enjoyed by these residents.

**Representations:-**

- 1.9 LONDON SOUTHEND AIRPORT - No safeguarding objections.
- 1.10 ECC HIGHWAYS - No objection.
- 1.11 RDC ENVIRONMENTAL SERVICES - No adverse comments.
- 1.12 NEIGHBOURS - 11 responses concerned with/objecting to the proposal. Main points:-
- Noise from activities on the site, particularly at weekends
  - Parking on site
  - Main Road traffic can't cope
  - Overlooking from tower
  - Light pollution from tower lights

**REFERRED ITEM R1**

- Use of noisy cutting equipment
- Suggested 9am to 9pm seven days would cause nuisance
- Multi agency approach would increase usage of site adding to nuisance
- Diesel tank not on drawings
- Other sites should be considered
- Proposal is too much for a residential area

**1.13 APPROVE**

Subject to the following conditions:-

- 1 SC4B - Time Limits Full - Standard
- 2 No development shall commence before details of the privacy screening to be used in its construction have been submitted and approved in writing by the Local Planning Authority. Such screening as may be agreed in writing by the Local Planning Authority shall be erected prior to the first usage of the training facilities and shall be retained as approved thereafter.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

**Relevant Development Plan Policies and Proposals**

None.



Shaun Scrutton  
Head of Planning and Transportation

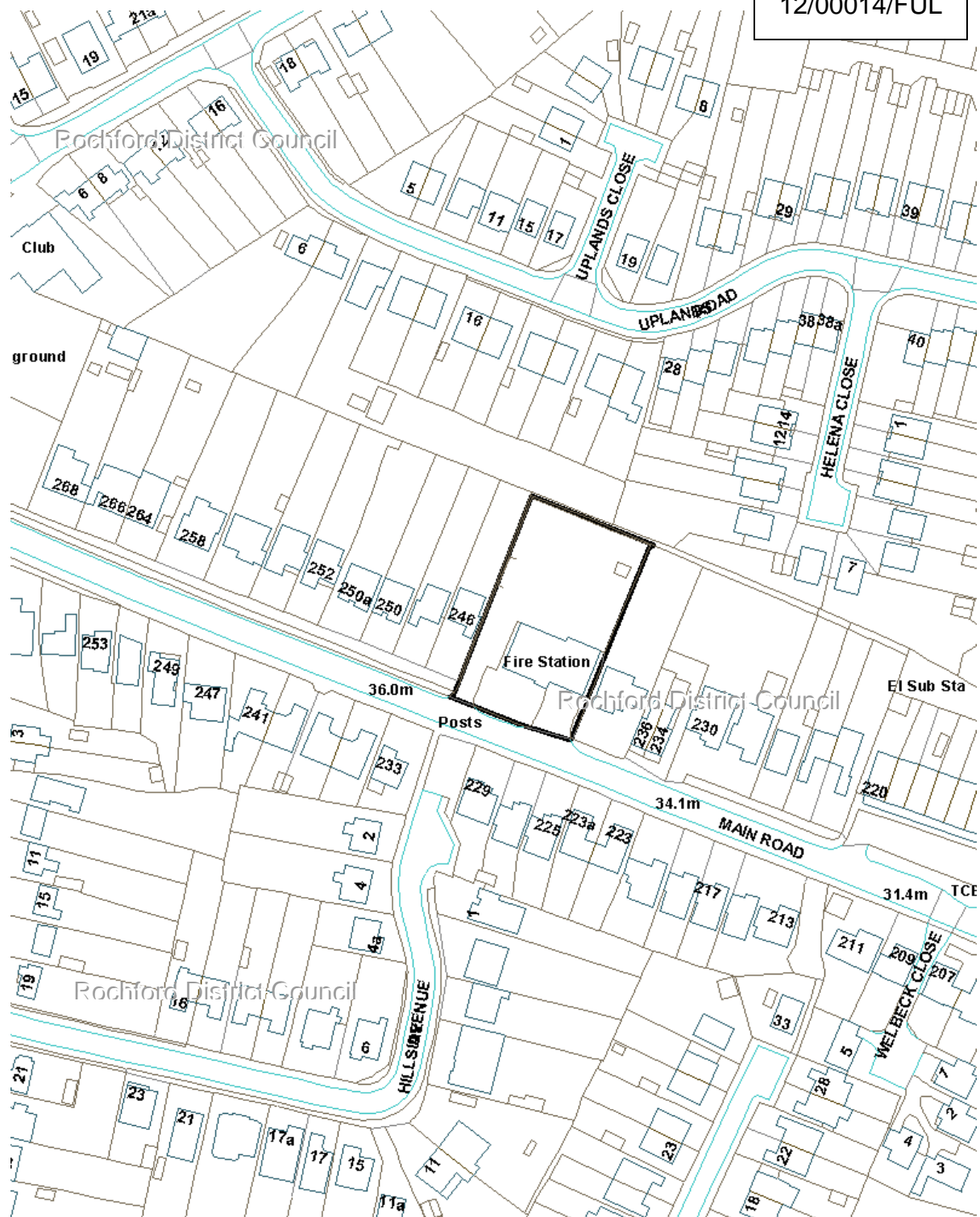
---

For further information please contact Robert Davis on (01702) 318095.



**REFERRED ITEM R1**

12/00014/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



**REFERRED ITEM R2**

**TITLE: 12/00029/FUL  
CONSTRUCT PITCHED ROOFED INDUSTRIAL BUILDING  
ON YARD 2 INCORPORATING FIRST FLOOR MEZZANINE  
AND REVISE PARKING LAYOUT TO ADJOINING PREMISES  
NO. 24 IMPERIAL PARK YARD 2 IMPERIAL PARK  
RAWRETH LANE**

**APPLICANT: LIGHTPOINT (UK) LTD**

**ZONING: EMPLOYMENT LAND**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: DOWNHALL AND RAWRETH**

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

This application was included in Weekly List no. 1123 requiring notification of referrals to the Head of Planning and Transportation on 7 March 2012 with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black.

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

---

**NOTES**

- 2.1 This application is to a site on part of the Imperial Park Industrial Estate located on the southern side of Rawreth Lane opposite the junction made with Hooley Drive.
- 2.2 The site is situated 25m from the junction with Rawreth Lane on the eastern side of the estate road and is an open yard surfaced in concrete sections and compacted aggregate contained between unit 1 and unit 22, which both feature buildings that envelope the northern and southern boundaries of the site respectively. The site frontage is enclosed by a 3m high chain link fence with double gates.
- 2.3 The rear boundary comprises a wooden acoustic fence beyond which are three houses, Nos. 35, 36 and 37 Kelso Close.
- 2.4 The site is allocated Employment Land in the Council's saved Local Plan (2006).

**REFERRED ITEM R2**

**RELEVANT PLANNING HISTORY:-**

Application No. 09/00423/FUL

Construct Factory Unit

Permission refused on 22 September 2009 for the following reasons  
(summarised):-

1. Insufficient levels of parking
2. Scale, bulk and height and full width of the site in close proximity to 35, 36 and 37 Kelso Close would be an intrusive addition, overbearing and oppressive to the outlook of those dwellings.

Application No. 09/00644/FUL

Construct factory unit.

Permission refused 23 December 2009 for the following reason  
(summarised):-

1. Inadequate levels of parking.

**PROPOSAL**

- 2.5 The proposed factory unit would occupy most of the site but for a forecourt area between 8–9m in depth across the site frontage. The proposed building would be sited 3.501–2.616m from the skewing rear boundary and 1.35m away from the boundary with Unit 1. The existing fence with No. 22 would be removed.
- 2.6 The current proposal would have an overall width of 23.8m (reducing in width by 0.5m to the previous application 09/00644/FUL) and an overall depth of 25m excluding the reception porch and slight forward projection of the showroom by 0.6m. The overall depth is the same as the previous application.
- 2.7 The proposed building would have a height to ridge of 6.1m with three roof vents to the ridge line to a height from ground level of 7m. The roof eaves height would be to 5.028m. The previous application was to a lower ridge line by 0.05m and to a lower eaves height by 0.328m.
- 2.8 As with the previous application, the current proposal includes the provision of a mezzanine floor. The resultant floor space equates to 875.5 square metres and a reduction of 3.5 square metres on the previous application.
- 2.9 To the front elevation a 6m high feature wall is proposed constructed of cement render and painted in red. This feature will incorporate the Metro logo and will be the entrance statement to the factory. The lower walling to the building will be in cement render with aluminium panels to the upper walling and roof finished in grey.

**REFERRED ITEM R2**

- 2.10 The front elevation will contain a series of windows constructed of aluminium and a roller shutter door to enable goods to be delivered into and out of the building. The rear elevation will only feature a fire door, but the applicants show the provision of a row of trees to be planted inside the site adjoining the acoustic fence.
- 2.11 Both roof slopes would contain a number of roof lights just below the ridge line.
- 2.12 Internally the ground floor of the factory will be used predominantly as an assembly area, with a series of rooms for packing, testing, showroom, staff services and reception area. The mezzanine level would primarily provide space for storage of parts prior to assembly but also an office and conference room.
- 2.13 A cycle store is also proposed to the rear of the building.

**MATERIAL CONSIDERATIONS:-**

- 2.14 The applicant already has been established since 1980 and occupies the adjoining unit 22 and unit 24 within the Imperial Park Industrial Estate.
- 2.15 The full time equivalent of 9 staff are proposed to work within the new factory, 3 of which would be new jobs.

**The Wider Site**

- 2.16 Either side of the application site are existing industrial units. To the northern side (Yard 1) presents an 'L' shaped design and as such the internal space is long and narrow. The building reaches a maximum height of approximately 5.4m with a mansard roof design. Notwithstanding this, the part of the building to the rear of the site and located nearest to the shared boundary with the properties in Kelso Close is flat roofed in design and as such appears only slightly over the shared boundary fencing. As such, the bulk of the building maintains approximately 6.5m from the shared boundary.
- 2.17 To the southern side of the application site (unit 22) is a single storey industrial unit, which is constructed of part brick and part corrugated steel. The height of this building is approximately 4.3m. The building extends almost the depth of the site, but is concealed from view from Kelso Close by the car port structures in Kelso Close, which provide parking for the flatted accommodation, which reach a height of 4.93m.
- 2.18 The remainder of Imperial Park is relatively densely developed with industrial buildings.

**REFERRED ITEM R2**

Parking Standards/Traffic Generation.

- 2.19 The Council's adopted parking standards require 1 parking space per 50m<sup>2</sup> for B2 uses. This is in fact the same as policy TP8 of the Local Plan (2006). The policy also states that should a site office be included within the development then a B1 parking standard of 1 space per 30m<sup>2</sup> should also be applied. On this basis a maximum of 18 parking spaces are required.
- 2.20 The application proposes 3 spaces (1 disabled) to the front of the site.
- 2.21 The layout plan shows a flow of vehicular traffic between the applicants' premises on the estate. The owners of this site also own a large majority of the other units and yards within the site. Unlike the previous application, the application site for the current application includes the neighbouring units 22 and 24 and the yard areas 5, 6 and 7 are shown blue to represent being also within the applicants' control.
- 2.22 The layout plan shows a process on the application site (including the adjoining units in the control of the applicants) whereby deliveries are dropped off into unit 24 and then moved to unit 22 and latterly onto the site of this proposed building before despatch to customers. The movement of materials/parts described above are contained within sites owned by the applicants.
- 2.23 In the previously refused application officers expressed concern that there is a considerable short fall in on site parking provision. As it was only yard 2 indicated in the previous application as the application site/planning unit, the provision of parking spaces outside of that site as indicated on the layout plan could not be relied on to satisfy the provision required. Officers anticipated a need for the applicants to supply the floor space and staffing levels for all the units under their control to which the standard could be assessed.
- 2.24 PPG13 seeks to imply maximum parking standards as to promote sustainable travel choices, reducing dependence on the car and encouraging the use of public transport, walking and cycling. Annex D to PPG13 indicates some use classes and parking standards, which must apply. Annex D, however, does not apply to small developments. It is for the Local Planning Authority to use its discretion in setting the levels of parking appropriate for small developments so as to reflect local circumstances. Local planning policy recognises the size and floor area of B2 uses and has applied a maximum parking standard accordingly, so as to ensure sufficient parking for larger industrial units is provided.

**REFERRED ITEM R2**

- 2.25 In the current application the applicants state there are 77 car parking spaces which are available for communal use within the estate. The building proposed requires a maximum of 18 additional car parking spaces to be found. The applicants argue that, given the site location, it would be reasonable for the applicants to rationalise the layout between the sites within the applicants' control and achieve 15 additional car parking spaces in addition to the 15 existing spaces already provided.
- 2.26 The three spaces on the site of the new unit are shown to the Council's preferred standard. The 15 No. new spaces created in the rationalisation of the layout between the applicants' premises are, however, to the old standard of 2.5m in width and 5m in depth.
- 2.27 Unlike previous applications, the application site now includes the adjoining units within the applicants' control. The overall floor space of those existing units would require a maximum of 25 car parking spaces as would be required if the Council's current standards were applied. If the maximum of 18 spaces required by the current application are included this makes a maximum total of 43 car parking spaces required across the applicants' premises if the development were to be fully compliant in parking terms.
- 2.28 The submitted layout for the revision to parking across the applicants' premises would provide 30 car parking spaces including those resulting from the building proposed. It would not, given the location of the site on a bus route, be required for the applicants to achieve the maximum standard. Furthermore, the applicants would be entitled to make use of some of the communal spaces over which the applicants would have no control. The applicants control a significant proportion of the site and yard areas on the estate. The applicants would not, however, be expected to satisfy the shortfall of 13 spaces arising from the application of the maximum standard. It is reasonable to assume therefore, that given the size of the applicants' presence on the estate a significant proportion of the 77 communal spaces would be available to the applicants and at least most of the maximum 13 spaces required. Consequently officers conclude that the proposal now satisfies previous concerns at the need for the applicants to provide an appropriate level of car parking within the applicants' control. It will, however, be necessary to require by condition the layout and provision of the car parking arrangement to the existing site prior to commencement and that to the proposed development prior to occupation.
- 2.29 The current application would now provide an increase in parking across sites within the applicants' control to achieve an improvement in spaces to serve the applicants' use and relieve pressure on shared spaces. In this way the application site and revised layout overcomes previous concerns at a lack of parking provision within the control of the previous application site.

**REFERRED ITEM R2**

- 2.30 It is recognised that a bike storage facility is proposed to the north eastern corner of the site, which will be 2m x 1.5m in external floor area. Policy also specifies that a minimum of 1 cycle space per 250m<sup>2</sup> for staff and 1 space per 500m<sup>2</sup> for visitors. As such, approximately 5.25 cycle spaces would be required. A cycle store is located to the rear of the building and as such provision is provided.
- 2.31 A minimum one space should be provided for powered two wheelers (PTW). This matter can, however, be the subject of a condition to the grant of permission.
- 2.32 With regard to delivery vehicles, space is provided within the forecourt area to enable the vehicles to reverse into the site and load the vehicles efficiently. No details have been provided into the likely number of delivery vehicles arriving at and leaving the site in any one day or week, although the forecourt and loading area is considered sufficient.
- 2.33 The existing factory has an assembly facility that will be transferred to the new factory, as such there is not likely to be an increase in the amount of vehicles entering/exiting the wider site such that a significant increase in the volume of vehicle movements would be noticeable.

Economic Issues

- 2.34 Policy EB1 of the Local Plan specifies that development within uses classes B1 and B2 will be permitted subject to a number of criteria. The site is surrounded by employment land, designated residential development and the mixed used development at Priory Chase. Therefore no adverse impact will be caused to the Green Belt or other designated sites, nor does the site or the surrounding area have a significant ecological value. As such the application conforms to parts (i) and (ii) of Policy EB1.
- 2.35 The company already trades within a unit at Imperial Park and the activities at this unit will be split between existing and the proposed unit. As such it is considered unlikely that the levels of traffic into and out of the estate will change significantly or to a degree that would be unreasonable upon the site and the wider area.
- 2.36 The proposed factory is sited within an established industrial estate on land designated as employment land within the Local Plan. As such the site is considered appropriate for the proposed use, in accordance with part (vii) of EB1. This new factory will provide employment for an additional three full time equivalent people, in addition to those already employed by Metro who will be transferred to the new factory. Although no specific demand for this type of manufacturing use is known to the Council it is considered that the Council encourages the increase in employment opportunities, as well as supporting the expansion of small businesses within the District.

**REFERRED ITEM R2**

The design and access statement specifies the need for additional assembly and manufacturing space for the business, which would adequately be achieved with the provision of a new factory unit.

- 2.37 It is considered that the development of the proposed factory unit adequately and reasonably fulfils the relevant criteria specified by EB1.

**Impact Upon Neighbouring Residential Occupiers**

- 2.38 To the east of the site are residential dwellings whose rear elevation windows and rear gardens look towards the application site. These properties were constructed under application 02/00710/FUL. The height of no. 35 and 36 (semi detached) is approximately 8.3m with an eaves height of 5.2m. No. 37 and 38 (detached) reach a maximum height of approximately 7.7m with an eaves height of 4.8m. From the rear windows of no. 35 and 36 to the shared boundary is approximately 16m.
- 2.39 The proposed factory occupies a large percentage of the site. However, the current application increases the distance at the back of the building to the site boundary with these dwellings from that previously proposed. Overall the distance from these rear windows to the building proposed is 18.7m.
- 2.40 In comparison to the units either side of the application site the proposed factory unit will be 0.7m greater in overall height than unit yard 1 (the pitched roofed height, not the flat roofed area) and 1.8m greater in height than unit 22.
- 2.41 The proposed factory unit has a much greater floor area than both units either side, but presents a similar scale and form to other units seen further south within the Industrial estate. Notwithstanding this, these other units are not within close proximity of residential development.
- 2.42 Examples of industrial units located close to residential dwellings can be seen in Victoria Avenue whereby some of the dwellings are sited within a similar situation with Rawreth Industrial Estate, as would be seen at the application site. From the rear building line of the properties in Victoria Avenue to the rear elevation of the industrial units the distance varies between 16.5m and 18.5m and as such presents a very similar situation as would be seen between the proposed industrial unit and the properties in Kelso Close. Notwithstanding that, a similar situation is seen, significant vegetation (trees) is located between the industrial units and the rear fencing of the properties in Victoria Avenue presenting a buffer between the rear gardens and the industrial setting. The vegetation considerably screens the industrial units and, as such, they do not appear to be an overbearing structure. The current application now includes the provision of tree screening along the rear boundary and officers are satisfied that sufficient room would exist for that screen to grow and develop to the function intended.



**REFERRED ITEM R2**

- 2.43 There are no similar examples of the relationship that would be created between the factory unit and the properties in Kelso Close, within Imperial Park. The majority of the units are to a lower height and where they are bound with the residential development to the east, are concealed from view. As such they have very little impact upon the occupiers of the neighbouring residential properties. In this particular instance the proposed factory unit would be readily visible from the rear windows and rear amenity spaces of mainly No's. 35, 36 and 37 Kelso Close. The unit will span almost the width of the site leaving 1m to each side boundary and be sited between 2.6m and 3.5m from the eastern boundary.
- 2.44 As a result of the increased distance between the proposed building and the site boundary with those neighbouring dwellings, the rear windows of the dwellings and the rear garden areas to those neighbouring properties in Kelso Close would not be unreasonably overshadowed by the proposed building. The dwellings are located east of the application site and, as such, the proposed building may overshadow the very rear of the gardens in the late afternoon. This is not considered to be to such an extent that would constitute a reason for refusing the application.

**Representations:**

- 2.45 RAYLEIGH TOWN COUNCIL: No objection.
- 2.46 HIGHWAYS (ECC):

No objection, subject to the following heads of conditions:-

- 1) Provision of parking and turning for all vehicles regularly visiting the site.
- 2) Prior to the commencement of the development the applicant to submit details for the provision of storage of materials and operatives parking clear of the highway.
- 3) Any gates provided at the vehicular access shall open inward only.

**ROCHFORD DISTRICT COUNCIL HEAD OF ENVIRONMENTAL SERVICES:-**

No objection to raise, subject to the following condition and standard informative:-

- 1) Prior to the commencement of the development details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.

**REFERRED ITEM R2**

Standard Informative SI16 (Control of nuisances)

2.47 NEIGHBOURS: Four letters have been received from the following addresses:-

Imperial Park industrial estate: Unit 9,  
Kelso Close: 35, 36, 37.

And which in the main make the following comments and objections:-

- The building is too high and too close to my boundary fence so will appear even taller than plot 1.
- Whilst not objecting in principle, however note the building to be 5m tall at my boundary and rising to 6m at the apex.
- The building would cover the complete boundary and sits only 2m away leaving us looking at a 5m brick wall.
- There is no other site of that stature backing onto residential properties.
- Other buildings on the estate have been constructed to single storey next to house boundaries and do not as a consequence cause loss of light to neighbouring dwellings, unlike proposal.
- Cannot see that the design is any better or smaller than that previously declined.
- Size of site and cosmetic appearance (bright red protruding element from top of building).
- Paint and dust fumes, concerns at health issue as have young child who suffers from asthma.
- Noise from day to day running of the unit.
- When bought this property were advised that the site would be built on with the same size as is already present on yard 1, yet it is clearly much, much more.
- Concerned about the tree roots and what damage will be caused to my property.
- Devaluation of house value. Should we not be entitled to a Council Tax re-banding due to additional eyesore and loss of light.
- Have noticed that the site has been cleared of rubbish and weeds but the high tree like weeds that are about 4ft above our fence line are still standing and find this very unacceptable as we keep our property to a high standard.
- Not enough parking on the site now. The entrance and exit would mean limited parking on the side of the slip road for lorries to turn in and out.

**APPROVE**

Subject to the following conditions:-

1 SC4B – Time Limits Full Standard

**REFERRED ITEM R2**

- 2 SC14 - Materials to be Used (Externally)
- 3 The development hereby permitted shall be implemented in accordance with the parking rationalisation and provision of additional parking spaces as set out on Drawing. No. 1393 /07. The three car parking spaces shown to the forecourt of the proposed building shall be laid out and provided prior to the first occupation of the building proposed. The remainder of the car parking layout across the applicants' premises shall be revised and marked out prior to the commencement of the development hereby approved. Each parking space shall thereafter be retained for the parking of vehicles.
- 4 Prior to the commencement of the development the applicants shall submit details for the provision of one powered two wheeler parking space to be provided within the applicants' control.
- 5 Prior to the commencement of the development the applicants shall submit details of the size and species of the proposed tree planting screen to the eastern boundary of the site, including measures for the site preparation, planting and after care regime of the trees. The development shall be implemented in accordance with those details. Any such species damaged, diseased or dying within five years of planting shall be replaced by the applicants.
- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 8, Class of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevation as shown on the approved drawing(s) 1393 / 01, 02, 03A,04,05A,06,07 and as received on 17 January 2012.
- 7 Prior to the commencement of the development details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed, as approved, and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 8 Notwithstanding the submitted plans and application details any gates provided at the vehicular access points on the application site shall not open outwards.
- 9 The building forming the development hereby approved shall not be segregated or separated in use or sub-divided from the applicants' adjoining premises.

**REFERRED ITEM R2**

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

**Relevant Development Plan Policies and Proposals**

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

EB1, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.



Shaun Scrutton  
Head of Planning and Transportation

---

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

**REFERRED ITEM R2**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



**REFERRED ITEM R3**

**TITLE: 12/00046/FUL  
CHANGE OF USE OF FIRST FLOOR FOR RETAIL STORAGE  
TO 3NO FLATS ( 2 X 2 BED AND 1 X 1BED) PROVISION OF  
3 PARKING SPACES AND CONSTRUCTION OF STEPPED  
FIRE EXIT TO GROUND FLOOR AT REAR. INSERT NEW  
WINDOWS AT GROUND AND FIRST FLOOR LEVEL.  
44 - 50 HIGH STREET RAYLEIGH**

**APPLICANT: HISTONWOOD LTD**

**ZONING: PRIMARY SHOPPING, RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: WHEATLEY**

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

This application was included in Weekly List no. 1124 requiring notification of referrals to the Head of Planning and Transportation by 14 March 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs M J Webster.

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

---

**NOTES**

- 3.1 Planning permission is sought to change the use of the first floor from retail storage to 3 flats (2 x 2-bed and 1 x 1-bed) with the provision of 3 parking spaces and the construction of a stepped fire exit to the ground floor at the rear. New windows would also be inserted at ground and first floor level at 44 – 50 High Street, Rayleigh. The site includes a shop, ‘ponden home’ with storage area above, access and car parking/service area. The site is within a block of shops and other uses fronting Bellingham Lane within the primary shopping frontage, residential, conservation and town centre area of Rayleigh. To the north of the site is Homeregal House, a private leasehold retirement scheme building and a Council car park and to the south is a private parking area, with shops and two storey accommodation above fronting Rayleigh High Street with yard and parking area to the rear. To the west is a residential property (no.5 The Knoll) and to the east is Bellingham Lane.

**REFERRED ITEM R3**

3.2 The proposal is for the following works:-

- Change of use of the first floor area from a shop display area, 2 x stores and male and female toilets to three flats, two with two bedrooms and one with one bedroom. Three new windows would be inserted at first floor level on the south elevation and one on the west elevation.
- Insert a fire exit at ground floor level to replace an existing window. Stairs and hand rail would rise to 1.7m high.
- Provision of three parking spaces along the northern boundary of the site.

3.3 PLANNING HISTORY (POST 1990s)

01/00119/ADV - Display Three Internally Illuminated Fascia Signs. Refused on 10 April 2001.

01/00367/ADV - Display Three Non-Illuminated Fascia Signs. Application withdrawn.

10/00697/COU - Change of Use from Offices to 3 No. One-Bedroomed And 1 No. Two-Bedroomed Flats at a different part, the Bellingham Lane frontage of the site. Approved on 2 February 2011.

11/00522/FUL - Construct new roof over existing flat roof to create 2nd floor to provide 3 No. flats (1 x 1-bed and 2 x 2-bed). Change use of first floor from retail storage to create 3 No. flats (2 x 2-bed and 1 x 1-bed). Form fire exit at ground floor, insert new windows at first and second floor level and provide 6no. parking spaces in existing car park. Refused on 8 December 2011 for the following reasons:-

1. It is considered that the proposed construction of a new roof over an existing flat roof to create a second floor to provide three flats would cause the loss of light to windows within the southern elevation of Homeregal House. Such loss of light would reduce the enjoyment reasonably expected to be enjoyed by the residents of Homeregal House.
2. It is considered that the proposed one-bedroomed flat at second floor level would create unacceptable overlooking to the rear garden area of the occupiers of no. 5 The Knoll to the detriment of residential amenity and contrary to part viii) of policy HP6 of the Rochford District Replacement Local Plan 2006 and the Essex Design Guide.
3. No amenity space is provided whatsoever for the proposed construction of a new roof over an existing flat roof to create a second floor to provide three flats contrary to the level of amenity of future residents and part v) of policy HP6 of the Rochford District Replacement Local Plan 2006 and Supplementary Planning Document 2.

**REFERRED ITEM R3**

Whilst the conversion of the first floor may be acceptable without any amenity space provision it is considered that the new build element should include amenity space provision.

- 3.4 The current application attempts to address the reason for refusal of the previous application by eliminating the second floor proposed and only seeking planning permission for the conversion of the first floor with new windows to be inserted at first and ground floor level and a new fire exit.

**MATERIAL CONSIDERATIONS**

- 3.5 Policy HP17 of the Rochford District Replacement Local Plan 2006 is, in principle, supportive of living accommodation on the upper floors of shops to which this application can be considered to fall within.

**DESIGN AND VISUAL AMENITY**

- 3.6 The external works proposed include the insertion of three new windows at first floor level on the south elevation and one on the west elevation, installation of a fire exit at ground floor level and three new windows to be inserted at ground floor level on the south elevation.
- 3.7 Although the resulting works would result in a large amount of fenestration at first floor level, it is not considered that the amount proposed would have a detrimental impact upon the character of the building or visual amenity. In design and appearance terms, the ground floor fire exit and windows are considered to be acceptable. It should be noted that at some point in time between the photographs within the agent's design and access statement being taken and today, two open service areas have been bricked in on the ground floor southern elevation where the three small windows would also now be located. It is likely that such a change actually would have required planning permission. However, such a change is considered to be acceptable.
- 3.8 The site falls within Rayleigh Conservation Area and the Authority has a duty to preserve and enhance the area, the proposal is considered to have a neutral impact in this regard.

**RESIDENTIAL AMENITY**

- 3.9 The building is located approximately 21m from the boundary with no. 5 The Knoll, a detached house. As the premises already has 8 windows on the south elevation and one window on the west at first floor level there is already some degree of overlooking. However, the first floor of the premises is currently in use as a shop display area, 2 x stores and male and female toilets, which differs to overlooking that may occur from a residential use by three separate flat occupants. The proposal includes provision of a further 3 windows on the south elevation and 1 on the west elevation.



**REFERRED ITEM R3**

The distance between the closest part of the building and the rear wall of no. 5 The Knoll (which forms a single storey extension) measures approximately 32m.

- 3.10 The Essex Design Guide advises that a 25m distance may be acceptable in a situation whereby the rear faces of opposite houses are approximately parallel and with upper storey flats any rear-facing upper storey living room should be no closer than 35m to the rear of any dwelling. The distance between the corner of the building and the corner of no. 5 The Knoll measures approximately 34m. One new window is proposed in the side elevation of the property that would serve the kitchen area. Although this window would be located approximately 35m away from no. 5 The Knoll, in line with the Essex Design Guide and is at an angle to this property, it is considered that there is still the potential to create unacceptable overlooking from this new window and that it would be reasonable to impose a planning condition requiring this new window to be obscure glazed and fixed shut below a height of 1.7m. There would still remain a small window to the living room area in the corner (existing), a larger window on the southern elevation to the kitchen (existing) and a roof light to provide sufficient daylight/ventilation to this open plan lounge/diner/kitchen. The two windows within the western and southern elevations are existing and therefore it is not considered reasonable to control these windows by planning condition. The smaller of these windows would be located in the north-west corner of the building; it would therefore not provide particularly extensive views from inside the flat due to its corner positioning and would be located approximately 38m from no. 5 The Knoll. The larger window would be located within the southern elevation in front of the kitchen units approximately 35m away from no. 5 The Knoll. Occupants of the flat are only likely to spend limited time in front of this window whilst preparing food and this window would also have an angled view towards no. 5 The Knoll. The previous application was refused due to the unacceptable overlooking it was considered that the one bedroomed flat at the new second floor level would create with a range of new windows, creating visibility towards no. 5 The Knoll from a level that would not have previously existed.
- 3.11 It should also be mentioned that in a letter dated 10 August 2011 an arboricultural officer gave consent for the removal of a line of sycamores subject to Tree Preservation Order 04/11 and replacement with 2 x hornbeams of 18–20cm girth and 2 x field maples of 18–20cm girth to be re-planted by March 2012. The sycamores have been removed, but the hornbeams and field maples have not yet been re-planted but would be located to the southern boundary and may also help to reduce overlooking.
- 3.12 RDC Environmental services has suggested that a standard informative SI16 (Control of Nuisances) be attached to any consent granted.

**REFERRED ITEM R3**

**TREE AND ECOLOGY CONSIDERATIONS**

- 3.13 Whilst there is the requirement for trees to be re-planted (as explained above), the area to be re-planted is located alongside the parking spaces to the southern boundary. The spaces proposed to be used for the flats are the three spaces (labelled 1–3 on drawing no.1356/S1 date stamped 24 January 2012) located within the north western corner of the site. Therefore it is not considered that the proposal with the use of 3 spaces that are already present on the site in the form of a hardstanding would be detrimental to any existing trees on site. It is also considered that, due to the location of the trees that are to be re-planted away from the 3 parking spaces, that it is not possible to control the car parking area at the present time. Any re-surfacing, however, is likely to require planning permission and it may be possible to control works at this time.
- 3.14 It should be noted that there is an area of hardstanding with retaining wall that appears to have been recently constructed. The layout plan shows the proposed parking spaces to be located forward of this area and this application is only considering parking within the area specifically shown on the block plan identified as being within the applicant's control.

**PARKING AND AMENITY**

- 3.15 Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that 1-bedroomed flats provide 1 space per dwelling with 2-bedroomed flats providing 2 spaces and 1 secure covered space per dwelling for cycle storage. Visitor/unallocated spaces require 0.25 spaces per dwelling (rounded up to nearest whole number), 1 powered two wheeler space and for sites with 200 vehicle bays or less 3 disabled bays should be provided.
- 3.16 Therefore, to comply with the above, the proposed development would need to provide 5 vehicle parking spaces for the occupants of the flats, cycle storage, 1 visitor/unallocated vehicle space, 1 PTW space and 3 disabled bays (although this disabled bay assessment may be excessive given the number of flats proposed). However, this document also states that 'reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport'. ECC Highways department does not object to the proposed parking arrangements due to the site's town centre location with its proximity to public car parks and sustainable travel. Therefore, the 3 spaces shown, taken together with the 4 spaces for the flats already granted planning permission for conversion in February 2011 (Ref: 10/00697/COU) and those available for the existing uses at the site, and bearing in mind the site's town centre location, are considered to be adequate. Although the bay sizes do not meet the new preferred or minimum parking bay size standard, it is not considered reasonable to take issue with the bay sizes given that these are existing parking spaces.

**REFERRED ITEM R3**

- 3.17 No provision has been made for cycle storage at the site, however, it is considered that there could be adequate cycle storage provision at the site subject to a planning condition as there appears to be space within the site and under the applicant's control to provide this facility.
- 3.18 No amenity space is proposed for the 3 flats. SPD2 would usually require a minimum balcony area of 5 square metres or a usable communal space equating to 25 square metres per flat. The application site is located within the town centre where residential accommodation is more likely to benefit from less provision of amenity space than out of town centre residential areas due to the built up nature of the streets and lack of open areas between and about buildings to provide communal or private gardens. The lack of provision of amenity space for proposed flats has been accepted at 33A Eastwood Road (Ref: 09/00024/COU) and on the second floor to 44 – 50 High Street, Rayleigh (Ref: 10/00697/COU). The lack of amenity space was accepted given the proximity of 33A Eastwood Road to a large public open space at King George V recreation ground. It was also accepted at the second floor to 44 – 50 High Street because of the town centre location, proximity to nearby public spaces and the potential difficulty with provision of amenity space given the proposal was for the conversion of an existing building rather than a new build. As the current proposal similarly proposes conversion of an existing building to flats a similar conclusion can be reached regarding amenity at this site.
- 3.19 The creation of these residential units is in line with PPS4 promotion of vitality and viability of town centres.

**REFUSE AND ACCESS**

- 3.20 The applicant has not indicated on the submitted layout plan a refuse area for the flats. On the layout plan submitted with the previously refused application Ref: 11/00522/FUL two areas approximately 1.5m wide and 5m deep and 3.5m wide and 1m deep are shown that would provide the refuse areas for the proposed flats, which would be located near to existing car parking spaces. No details within the current application, however, have been provided nor has information been supplied regarding a proposed enclosure to these areas. A planning condition could be imposed to require the applicant to submit details of an adequately sized bin enclosure to be submitted, agreed and provided prior to works commencing.
- 3.21 Access to the flats would be via an external door on the southern elevation exiting onto the car parking area. This arrangement is considered to be acceptable.
- 3.22 The security report explains that new fencing or walling is proposed along the northern, eastern and western boundaries to reduce access to the site. Such details should be agreed by planning condition to ensure it is not detrimental to amenity.

**REFERRED ITEM R3**

**Representations:**

- 3.23 RAYLEIGH TOWN COUNCIL – Objects to this application as there is insufficient amenity space, according to SPD2.
- 3.24 RDC ENVIRONMENTAL SERVICES – The Head of Environmental Services has no adverse comments in respect of this application, subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.
- 3.25 RDC ARBORICULTURAL CONSULTANT - No comment - however, need to install replacement trees as specified under TPO requirements.
- 3.26 TPO 04/11 - 2 x hornbeam & 2 x field maple due to be planted by the end of March 2012. as per condition stated in decision notice dated 10 August 2011, following receipt of a tree work application. Trees to be planted on boundary of this site.
- 3.27 ECC HIGHWAYS - The on site parking provision is considered to be acceptable as there will be adequate parking provision due to the town centre location with its proximity of public car parks and sustainable travel, therefore Essex County Council as Highway Authority does not wish to raise objection to the proposal as it is not contrary to the following policies.
- 3.28 ECC HISTORIC ENVIRONMENT OFFICER - Whilst the subject building is situated within the historic core of Rayleigh, the main works are concentrated on the first and second floors and should have little impact on any below ground remains. Accordingly the HEM team will not make recommendations for archaeological works on this application.

**APPROVE**

Subject to the following conditions:-

- 1 SC4B Time Limits Full – Standard
- 2 SC15 Materials to Match (Externally)
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window marked OBS on the approved drawing no.1356/300 date stamped 24 January 2012, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said window shall be retained and maintained in the approved form.
- 4 SC22 PD Restricted - Windows (Above FFFF Lvl)

**REFERRED ITEM R3**

- 5 Prior to the occupation of any of the flats hereby approved, plans and details including the location, design, size and enclosure style for a refuse area to serve the flats shall be submitted to and agreed in writing with the Local Planning Authority. Such refuse area shall be provided in accordance with the details agreed prior to the occupation of any of the flats hereby approved and maintained in the approved form thereafter.
- 6 Prior to the occupation of any of the flats hereby approved, plans and details including the design, size and position on site of a cycle store to provide a minimum of 1 cycle storage space per dwelling, shall be submitted to and agreed in writing with the Local Planning Authority. The cycle store shall be provided in accordance with the details agreed prior to the occupation of any of the flats hereby approved and maintained in the approved form thereafter.
- 7 No development shall commence, before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to occupation of the flats and thereafter maintained in the approved form.
- 8 Prior to the occupation of any of the flats hereby approved the three car parking spaces shown on the approved drawing no.1356/S1, or another arrangement as may be otherwise agreed in writing by the Local Planning Authority, shall be made available for use. Thereafter, the said car parking spaces shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

**REASON FOR DECISION**

The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in High Street, Bellingham Lane or The Knoll.

**Relevant Development Plan Policies and Proposals**

HP6, HP11, HP17, of the Rochford District Council Adopted Replacement Local Plan

T8, of the Rochford District Council Core Strategy 2011

Planning Policy Guidance 24 – Planning and Noise

**REFERRED ITEM R3**

Supplementary Planning Document 2 (Housing Design)

Parking Standards Design and Good Practice Supplementary Planning Document  
Adopted December 2010

Essex Design Guide

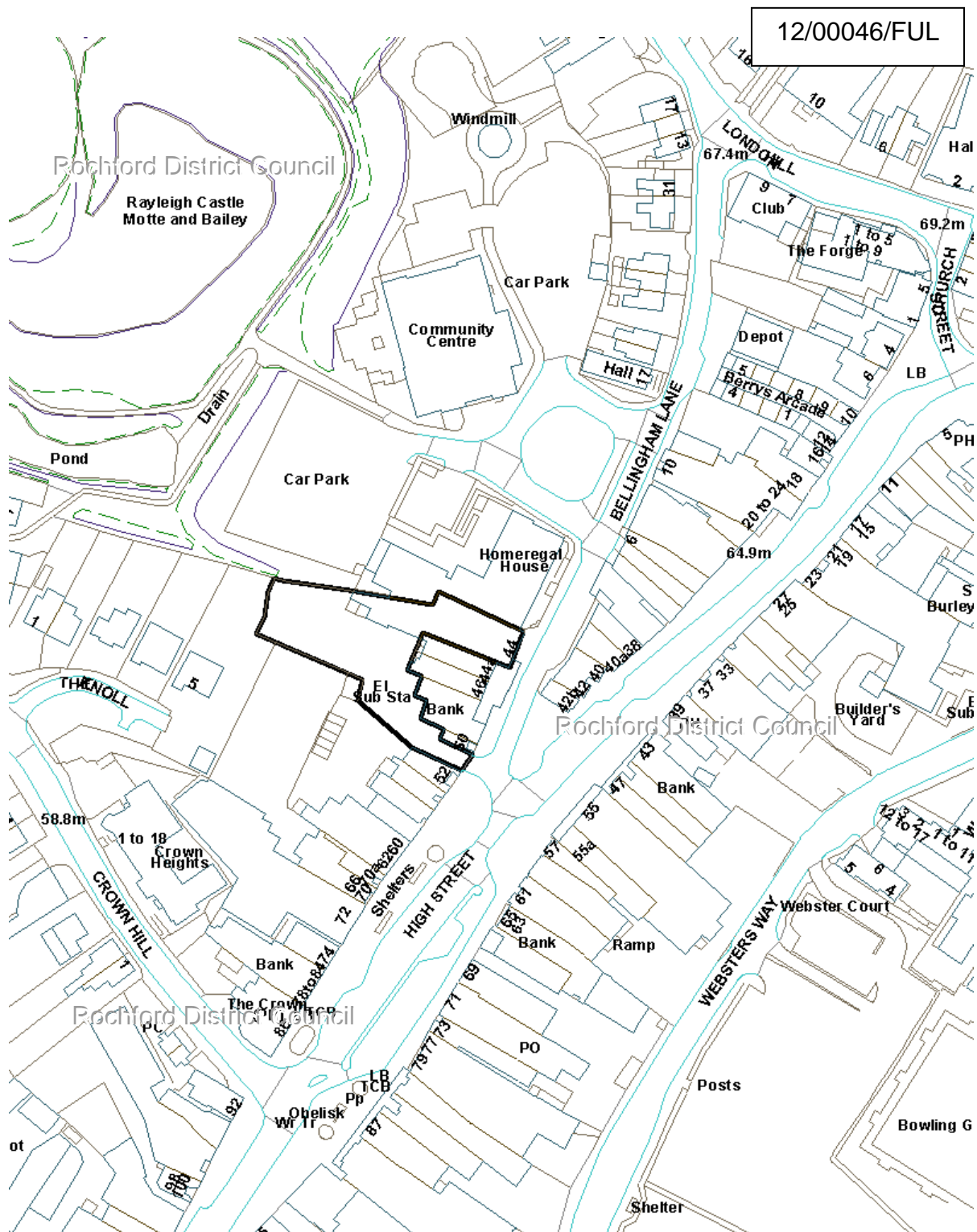
A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton  
Head of Planning and Transportation

---

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

**REFERRED ITEM R3**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



**SCHEDULE ITEM 4**

**TITLE: 11/00781/OUT  
RESIDENTIAL DEVELOPMENT OF UP TO 251 DWELLINGS,  
OPEN SPACE PROVISION AND ASSOCIATED ACCESS.  
LAND SOUTH OF COOMBES FARM STAMBRIDGE ROAD  
ROCHFORD**

**APPLICANT: COGENT LAND LLP**

**ZONING: METROPOLITAN GREEN BELT**

**PARISH: STAMBRIDGE/ROCHFORD**

**WARD: ASHINGDON AND CANEWDON**

---

**PLANNING APPLICATION DETAILS**

- 4.1 Outline planning permission is sought for the development of up to 251 residential dwellings, open space provision and associated access at 'Land South of Coombes Farm', Stambridge Road, Rochford.
- 4.2 In this outline application the acceptability of the principle of changing the use of the land from agricultural to residential use and the quantum of development must be determined. In addition, the applicant has requested that details of the proposed vehicular accesses to the site are also considered.
- 4.3 All other matters; appearance, landscaping, layout and scale are reserved for consideration in a reserved matters application which would follow, if outline consent for the proposal was granted.
- 4.4 Although a master plan layout has been submitted, this is for illustrative purposes only and is not for determination at the outline stage. This plan has been provided to demonstrate how the proposed quantum of development could be accommodated within the site but may not be the layout submitted for determination at a reserved matters stage. The submitted illustrative layout shows a main vehicular access road running through the site extending from Rocheway to Mill Lane off which there would be a number of residential streets along which dwellings of different sizes would be provided.
- 4.5 The proposed dwellings would be a mixture of 2 and 2.5 storeys with the latter having a maximum height of 10.5 metres.



**SCHEDULE ITEM 4**

**THE SITE**

- 4.6 The application site is located to the east of Rochford. At its closest point, the site is located approximately 500 metres east of Rochford town centre and close to the built up western residential edge of the town.
- 4.7 The site is an irregularly shaped area of land lying within the Green Belt and is currently in agricultural use. The site is open and relatively flat, gently sloping some 3 metres upwards from south-east to north-west. A public footpath runs through the site from west-east and a power-line crosses part of the site.
- 4.8 The site is immediately bordered by a number of existing land uses to the north and west, namely residential properties, an allotment site, an adult learning centre with associated playing field, an area of public open space and a section of Stambridge Road. To the south the site borders agricultural land which in turn runs alongside a section of the River Roach. To the east, the site borders Mill Lane along which there are a handful of residential properties leading to a redundant mill complex, currently subject to an application for planning permission for re-development for 96 residential dwellings (11/00494/FUL).
- 4.9 The application site covers an area of approximately 15.72 hectares (edged red on the location plan); of this 11.69 hectares is identified for residential development (shaded green), with the remainder shown as recreational open space. The application site is set within a wider site (edged blue on the location plan) that is controlled by the applicant, but which does not form part of the application site; the area adjoining the site to the south is some 4.5ha whilst the area adjoining the site to the north is approximately 0.4ha.
- 4.10 The illustrative master plan shows footpaths within the area edged blue to the south of the site suggesting an area for open space. This land does not, however, form part of the application site and the proposal does not include the change of use of this land from agricultural; this land would therefore remain in its current state as undeveloped agricultural land.
- 4.11 The application is accompanied by an Environmental Statement under the Town and County Planning (Environmental Impact Regulations) 2011.

**PLANNING HISTORY**

- 4.12 An outline planning application with all matters except access reserved, for the development of up to 326 dwellings, associated accesses and community uses was refused permission by the Council in November 2009 and dismissed at appeal. This application related to the same site to which the current application relates, save for relatively minor changes to the site's boundaries.

**SCHEDULE ITEM 4**

4.13 The applicant lodged a legal challenge against the appeal decision and the Council received notification that the appeal decision had been quashed by the High Court in April 2011 resulting in the application falling back to be re-determined by the Secretary of State. The application was not, however, subject to re-examination, as the applicants withdrew their appeal. The original decision by Rochford District Council therefore still stands.

4.14 This earlier application was refused by the Council for the reasons set out below, although at appeal reasons 3 and 4 were not defended following the submission of further information from the applicant, which demonstrated that these concerns had been sufficiently overcome.

1. The proposed development of up to 326 residential dwellings and associated community uses would not accord with the adopted development plan - the Rochford District Replacement Local Plan (2006) - and would also not accord with the emerging Rochford Core Strategy submission, which is currently at an advanced stage with submission to the Government scheduled to occur before the end of the 2009. There are no material planning considerations which indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.
2. The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt, as defined in Planning Policy Guidance 2: Green Belts, planning permission will not be given for inappropriate development, except in very special circumstances.

The proposed development, by virtue of the proposed change of use of the land from agriculture to residential and community uses, would amount to inappropriate development in the Green Belt, which is by definition harmful. In addition, further harm to the Green Belt would be caused as a result of the proposed development including: the sprawl of a large built up area, the encroachment into the countryside, the loss of an open, attractive landscape close to where people live and the loss of opportunities for outdoor recreation close to an urban area. There is no need to release Green Belt in this location in order to retain an up-to-date five year supply of deliverable sites for residential development. No very special circumstances exist that would overcome the harm to the Green Belt and consequently the proposed development would be contrary to Planning Policy Guidance 2: Green Belts.

3. The applicant has failed to submit information that demonstrates that acceptable mitigation can be achieved to prevent adverse impacts by way of increased recreational disturbance to the Crouch and Roach Special Protection Area (SPA) or the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI).

**SCHEDULE ITEM 4**

The Local Planning Authority cannot therefore ascertain that the proposed development would not adversely affect the integrity of these wildlife sites, contrary to Regulation 48 (5) of the Habitats Regulations 1994 and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 4.15 The proposed development would result in a change in the use of an area of land that lies within a Public Safety Zone from use for agriculture to use as public open space, which is considered unacceptable because it would result in a significant increase in use of the land by members of the public, especially given the proximity, relationship and association of the public open space with a large new residential development.

**CONSULTATIONS AND REPRESENTATIONS**

**4.16 Rochford Parish Council:**

- The development site does not form part of the Rochford District Council Core Strategy. The site is within the Metropolitan Green Belt, and if allowed to proceed, could set a precedent for further erosion of the neighbouring Green Belt farmland.
- The increase in traffic, both during and after construction, would severely harm the quality of life of the existing residents and could reduce numbers visiting the businesses in Rochford town centre. The road infrastructure around Rochford town centre cannot cope with the increased level of traffic. Although it is appreciated that the developer has included plans for improved public transport, this will not be forthcoming until after the whole development has been completed.
- The site is within the Roche Valley Conservation Area and it is believed there is a badger sett on the site.
- The site is located under the flight path of London Southend Airport.
- Although Members were not against progress and appreciated that some of the housing will consist of much needed social housing, they feel that this is the wrong location for this type of development, particularly in view of the already allocated housing/business zone at Stambridge Mill.

**4.17 Stambridge Parish Council:**

Members object to this application as it contravenes Parish Planning Policy and Rochford District Council's Core Strategy.

**4.18 Essex County Council (Minerals and Waste):**

Raises an objection on the grounds that the proposal would fail to safeguard an identified important mineral resource and fail to accord with adopted relevant minerals policy.

**SCHEDULE ITEM 4**

4.19 A significant part of the site is identified as being within an area designated to safeguard brick earth deposits and the proposal could actually or effectively sterilise a large area of deposit totalling some 218,820 tonnes. The applicant has not satisfactorily demonstrated that the safeguarded deposit on site would not be significant, that it would not be feasible to extract prior to development (requiring testing through bore hole data, and feasibility reports) or that the deposit has been previously and sufficiently been extracted.

4.20 **Essex County Council (Archaeology):**

A previous archaeological evaluation of the site in 2008 established significant concentrations of archaeological activity on site. As the proposed development will have an adverse impact upon these known archaeological remains, based on the significance of this fragile, non-renewable resource a targeted open area archaeological excavation will be required prior to the construction phase.

4.21 Recommend: Full Condition (Open Area Excavation)

4.22 **Essex County Council (Public Rights of Way- Definitive Map Service):**

The outline drawing shows that footpath 23 Rochford and Great Stambidge runs directly across the centre of the site at the western end and along the site boundary at the eastern end. Provision of a two metre wide path must be taken into consideration. During the construction of the site, presumably a Temporary Closure Order will be required and we would seek an alternative permissive route whilst building phase is in operation.

4.23 **Essex County Council (Highways):**

No objection subject to the following conditions:-

No development to commence on site until such time as the following have been agreed and implemented:-

1. The access on Mill Lane at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the south and 2.4 metres by 43 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. The access on Mill Lane shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall have minimum 6m radii and a 6.0 metres opening width, which shall be retained within the site. The details shall be submitted to and agreed in writing with the local Planning Authority.

**SCHEDULE ITEM 4**

2. The provision of a 3m footway from the vehicle access on Mill Lane in a northerly direction to the junction of Mill Lane / Stambridge Road and then in a westerly direction along the entire site frontage to link into existing facility. Such footway to include full height kerbs, dropped kerb crossing points with tactile paving at access points, full depth footway construction and the provision of dropped kerbs on both the northern and southern sides of Stambridge Road to facilitate pedestrians crossing. The details shall be submitted to and agreed in writing with the local Planning Authority.
3. No unbound material shall be used in the surface of the access within 10 metres of the highway boundary of the site. Details shall be submitted and approved in writing by the Local Planning Authority.
4. The existing junction of Mill Lane and Stambridge Road shown on the site layout plan – (Iceni Projects 11-T042 drawing 01) shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement of the highway verge and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.
5. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including a routeing plan for construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
6. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
7. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
8. The public's rights and ease of passage over all public rights of way shall be maintained free and unobstructed at all times. No development shall be permitted to commence on site until such time as an Order securing the diversion, where required, of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

**SCHEDULE ITEM 4**

9. The estate road layout should in all respects accord with the requirements of the Essex Design Guide for residential and mixed use. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
10. All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.
11. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
12. The parking provision for car, cycles and powered two wheelers should accord with the requirements of the current Essex Planning Officers Association Vehicle Parking Standards. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
13. All single garages should have a minimum internal measurement of 7m x 3m. All double garages should have a minimum internal measurement of 7m x 5.5m. All tandem garages should have minimum internal measurements of 12m x 3m.
14. No occupation to commence on site until such time as the following have been implemented and completed to the satisfaction of the Highway Authority.
15. No occupation of the proposed development shall commence until such time as provision of a pedestrian crossing with associated infrastructure at a location to be agreed with the Highway Authority on Stambidge Road / East Street has been completed. Details shall be submitted and approved in writing by the Local Planning Authority.
16. No occupation of the proposed development shall commence until such time as the infrastructural improvements at the junction of Southend Road/Sutton Road have been provided entirely at the developer's expense. Design and details to be agreed with the Highway Authority.
17. No occupation of the proposed development shall commence until such time as the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 (ten) All Essex Scratch Card tickets.

**SCHEDULE ITEM 4**

Contributions

- The provision of a financial contribution of £10k for passenger transport infrastructure to include raised kerbs, bus shelters, flag poles, timetabling where appropriate to provide improvements to public transport stops on both sides of Stambridge Road in the vicinity of the site.
- A £50,000 (fifty thousand pounds) contribution towards infrastructural improvements at the junction of Sutton Road and Purdeys Way industrial estate.
- A contribution of £5,000 (five thousand pounds) towards the Traffic Regulation Order to enable the relocation of the 30mph zone along Stambridge Road.

**4.24 Essex County Council (Education):**

The development falls in the priority admissions area of Stambridge Primary School and King Edmund School, which are forecast to have a deficit of places, both as of 2016. Additional provision will therefore be needed to meet the needs of the development. On the basis of a 251 dwelling development with houses with two or more bedrooms a contribution of £1,508,485 index linked to April 2012 costs would be sought. According to forecasts there should be sufficient early years and childcare places to meet the needs of the development.

**Essex County Council (Urban Design):**

- 4.25 These revised proposals are very disappointing and in a number of respects worse than those previously submitted. As we have previously commented, this site is in a sensitive location in close proximity to the Conservation Area. The Design and Access statement analysed various typologies within the town, though the statement draws no assessment of the merits of the different character areas. The layout and the buildings and space typologies indicated in the design codes do not, I consider, support a strong identity and sense of place to the site; rather, it appears that the proposals are taking cues from those areas in Rochford that are not distinctive and overall I consider the development would not make a positive contribution to the urban texture of Rochford.
- 4.26 My concerns are that fundamentally there is a failure to understand the relationship between buildings and spaces, the importance of enclosure of space to create a pedestrian scaled environment, and the need for good architecture to create an attractive townscape.

**SCHEDULE ITEM 4**

- 4.27 Most of the development is placed along linear streets with wide spaces between frontages, which do not provide any sense of enclosure. The provision of swales running north south, whilst this is commendable, has inevitably created wide linear spaces between frontages. However, the cross streets do not have this infrastructure requirement and yet frontages are set back providing very poor enclosure to the streets. If this development is to provide an appropriately scaled environment development should comply with the requirements in the Essex Design Guide in respect of the ratio of width of spaces to height of buildings, or, through the sub-division of the street width by rows of trees to create parallel spaces as demonstrated by the tree lined avenue along a length of the principal access route 'Rocheway'.
- 4.28 One of the main factors contributing to the unsatisfactory enclosure to the streets is housing set back behind car parking along many of the street frontages. Cars will be visually too dominant where there are large areas of on-street parking and/or there is parking on-plot in front of the building line. Hedge planting in front of units will not be of sufficient height or length to hide on plot parking and unless there is appropriate management and covenants hedges will be vulnerable to being removed and replaced by a variety of inappropriate fencing.
- 4.29 Parking is also provided in rear parking courts. These parking courts are, however, too large and may be perceived by residents as unsafe. Ideally parking courts should serve no more than six dwellings {see EPOA/ECC Parking Standards}. The Essex Design Guide recommends that where rear parking courts are provided they should be overlooked by ground floor windows of at least some of the dwellings or footways in regular use to discourage car related crime. I note that the D&A statement suggests that within these internal court yards there will be designated community spaces to provide surveillance, however I can find no other references to these spaces elsewhere in the proposals. Some parking courts do have FOG units, however in most cases the pedestrian access to these units is poor and the car parking and access arrangements to the parking courts will not provide a satisfactory or safe environment for the occupiers of these units.
- 4.30 The approach to the layout on the south eastern boundary appears contrived, unrelated to existing natural features and with a built edge that is poorly defined and inappropriate in the context of the site's visibility. Housing along the periphery of the development is at too high a density for detached units and this edge of development will appear sub-urban in character. The density for detached housing along this edge should be less than 13 dph and preferably for an organic layout at only 8 dph.



**SCHEDULE ITEM 4**

- 4.31 The layout proposes the principal access to the development from Mill Lane with a controlled link to Rocheway. This has been the response to the concern in the previous proposals that a new junction onto Stambidge Rd would result in urbanisation of the character along Stambidge Road. However, I believe this current proposal will have a significant impact on the quiet rural character of Mill Lane, and furthermore a 6m wide carriageway dissecting the green swathe would be detrimental to the character of the Green Belt. There is, of course, still the issue that most traffic from the development will also pass through the old town's historic core, which would have a seriously negative impact on its narrow streets and historic environment.
- 4.32 Across the site there are also concerns that the scale of development may not reflect the setting of the site. It is noted that the design codes indicate that 56% of the units will be 2.5 storeys, though I consider this a high percentage for this site and not a reflection of any particular character area in Rochford. There is insufficient information as to the distribution of these units though I would expect the lower density zones to the countryside edges of the site to have lower heights and would recommend no more than up to 1.5-2 storeys in these areas.
- 4.33 In conclusion I do not consider that these proposals can deliver a high quality design solution for this edge of settlement site. There would have to be a substantial re-design of the master plan and revised codes to produce an acceptable scheme.
- 4.34 **Environment Agency:**
- Whilst this site is outside the tidal and fluvial flood plain, development of this scale (15.63ha) can generate significant volumes of surface water. Planning Policy Statement (PPS) 25 therefore requires surface water drainage to be addressed in a Flood Risk Assessment (FRA) to ensure that the additional surface water generated by the development can be managed without increasing both on and off site flood risk.
- 4.35 The submitted FRA has been considered and it is advised that the proposal would only be acceptable if the following measures are secured by planning condition:-
- 1) Surface water run-off generated shall not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - 2) Storage shall be provided on site to accommodate the 1 in 100 year rain fall event, inclusive of climate change and shall incorporate sustainable drainage techniques, as outlined in the submitted FRA.
  - 3) Prior to the commencement of development, details of who shall be responsible for the maintenance of all elements of the drainage scheme in perpetuity shall be submitted to and approved in writing by the LPA.

**SCHEDULE ITEM 4**

- 4) Finished ground floor levels shall be set no lower than 5.32m above Ordnance Datum (AOD).
- 5) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the LPA for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

4.36 We would strongly encourage Code for Sustainable Level 4 or 5 particularly with regard to water resources.

**Anglian Water Services:**

- 4.37 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site; an informative to alert the applicant's attention to this is advised.
- 4.38 The foul drainage from this development is in the catchment of Rochford Sewage Treatment Works that at present has available capacity for these flows.
- 4.39 The development site is within the 15 metre cordon sanitaire of a sewage pumping station of this type. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons it cannot be easily re-located. I would also advise that as critical pipelines lie within the proposed development, the appropriate distance will need to be kept with regard to the building line and adjacent sewers and that suitable access is maintained to existing chambers and outfalls.
- 4.40 The following conditions are requested:-
  - 1. The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.
  - 2. 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.

**SCHEDULE ITEM 4**

**4.41 Essex and Suffolk Water:**

We would advise you that our existing apparatus do not appear to be affected by the proposed development. We give consent to this development on the condition that new water mains are laid on the site and a connection is made to our company network for each new dwelling for revenue purposes.

**Natural England:**

- 4.42 The site is in the vicinity of an area that forms part of the Crouch and Roach Estuaries SPA and Ramsar site. The location of the proposal in relation to this European and Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations, in particular Regulation 61.
- 4.43 Based on the information provided, Natural England has no objection to the proposed development, subject to the inclusion of our recommended condition and the proposal being carried out in strict accordance with the details of the application. The reason for this is that, subject to conditions, the proposal would not, either alone or in combination with other plans or projects, be likely to have a significant effect on the Crouch and Roach Estuaries SPA and Ramsar site.
- 4.44 In reaching this conclusion, we have taken into account the proposed provision of an area of Suitable Alternative Natural Green Space (SANGS), which, by providing a convenient area for dog-walking and other information recreation close to the proposed new dwellings, should act as mitigation by reducing the potential disturbance impacts upon the European and Ramsar site.
- 4.45 It should be noted that Natural England is of the opinion that, in the absence of this SANGS provision, the proposed development would be likely to have a significant effect on the Crouch and Roach Estuaries SPA and Ramsar site and, consequently, that an appropriate assessment would be required.
- 4.46 Condition recommended:-
- ‘None of the new dwellings shall be occupied until at least 30 percent by area of the Suitable Alternative Natural Green Space (SANGS) has been provided, whereupon up to 30 per cent of the new dwellings may be released for occupancy. Thereafter, the SANGS shall be provided in a phased manner, such that the provision of each agreed proportion of the SANGS releases an equivalent proportion of the dwellings for occupancy.
- 4.47 The conservation features under consideration for the European and Ramsar sites overlap the features of interest for which the Crouch and Roach Site of Special Scientific Interest is noted. As such, Natural England’s advice on the European and Ramsar sites also applies in relation to the SSSI.

**SCHEDULE ITEM 4**

- 4.48 Natural England considers that the proposal may affect a locally designated site, namely the River Roach at Rochford (R28). We do not wish to raise specific comments (as we understand that the area within the application site is to be retained) but we recommend that you consider whether the proposal accords with the saved policies of the Local Plan and or emerging Local Development Framework, as appropriate. Appropriate safeguards should be in place to avoid adverse impacts on this site.
- 4.49 The proposal site is known to support significant populations of several protected species. Natural England standing advice for protected species is a material consideration and should be considered in the determination of this application.
- 4.50 The master plan has been designated to take account of the presence of protected species, in particular bats and badgers. Broadly speaking, Natural England is satisfied that the strategies for protected species are appropriate and proportionate, and we advise the Council that these should be secured via a suitably worded planning condition or legal agreement, as appropriate.

**Ramblers Association:**

- 4.51 Objection raised with regard to the footpath that runs across this land, in an east - west direction, between Mill Lane and Rocheway. It is important and crucial that this public right of way is protected from development and maintained as a "green" path and not concreted over or tarmac-ed.
- 4.52 Concerns also raised in relation to the site being in the Green Belt and on the grounds of flood risk and over-development in conjunction with the nearby Stambidge Mills proposal. There are also allotment gardens abutting the proposed Coombes Farm development site, which could be adversely affected by the development plans.

**Southend Airport:**

- 4.53 The existing public safety zones (PSZs) were issued by the DfT on 2006. As you know, the re-configuration of the airport's runway is due to change very shortly as a result of the bringing into operation of the runway extension and consequential changes to the runway thresholds. In accordance with the advice in Paragraph 3 of Annex A of the Circular we therefore anticipate that the PSZs will be remodelled by the DfT in the near future. Whilst we note that the predicted risk zones (modelled on behalf of LSA for the purposes of assessing third party risk of the runway extension planning application submitted in 2009) it is ultimately the DfT that prepares and issues the PSZs. We therefore wish to draw to the Local Planning Authority's attention a possibility that if permission is granted some properties may ultimately be situated in the 1 in 100,000 individual risk contour.

**SCHEDULE ITEM 4**

4.54 In view of the proximity of the proposed development to the flight paths to and from London Southend Airport and therefore the likely exposure of the development to aircraft noise we would request that the issue of noise exposure is addressed by a planning condition. This should require the developer to agree, prior to commencement of the development, a noise insulation scheme for any properties in the development that are likely to be exposed in the future to levels of noise of 57dBA or higher.

4.55 We do not object to the proposed development but we request that the above is taken into consideration and that a permission is granted appropriate noise insulation is incorporated in properties.

**Sport England:**

4.56 Outdoor Sports

In relation to outdoor sport, no on-site provision is made for meeting the additional needs generated by the proposed development. It is acknowledged that the development makes provision for 4.5 hectares of public open space. However, the proposals would not provide formal open space suitable for outdoor sports such as playing pitches. Furthermore, no financial contribution is currently proposed in relation to off-site outdoor sports facility provision.

4.57 The development will provide 251, which will generate an additional population that will generate its own needs for sports facilities, which, if not met by the development, will place additional pressures on existing facilities. The recent Rochford Playing Pitch Strategy (2011) has assessed playing pitch needs and a range of quantitative and qualitative deficiencies have been identified across the district, including specific issues in the Rochford area. It is therefore considered that additional development will aggravate these deficiencies unless appropriate mitigation is made.

4.58 A financial contribution towards off-site outdoor sport provision either new or improving existing facilities is likely to be most appropriate in relation to the proposed development as making on-site provision is unlikely to be practical or viable. Sport England objects to the lack of outdoor sports provision but would withdraw the objection if an appropriate financial contribution was secured.

4.59 Indoor Sports Provision

No on-site provision is made. The Essex Sports Facilities Strategy (2008) prepared in association with the Council provides evidence of need, including need for facilities such as accessible sports hall provision in Rochford District. While there is an adequate supply of facilities in the district, a large proportion of this supply is not fully accessible to the community, i.e., facilities on school sites and commercial facilities. The development would exacerbate such deficiencies and may place more demand on existing facilities, which may already be used to their capacity.

**SCHEDULE ITEM 4**

A financial contribution is therefore sought to provide or enhance off-site indoor sports provision as on-site provision is unlikely to be practical or viable. Sport England objects to the proposal unless such a financial contribution is sought.

**4.60 Primary Care Trust:**

A financial contribution is sought towards primary health care provision capital projects of £747.46 per dwelling, which would equate to £187, 612.46 for 251 dwellings.

**4.61 Rochford District Council (Engineering):**

Public foul sewers through the site, which need to be located could affect site layout. Public surface water sewer discharges into a ditch at the boundary of the site with Stambridge Road, which will need to be taken into consideration. Sustainable drainage scheme.

**Rochford District Council  
(Housing, Health & Community Care):**

4.62 Insufficient reference has been made to the potential disturbance of future occupiers caused by noise arising at Purdeys Industrial Estate. It is therefore required that a revised acoustic report is submitted with such an assessment included, as well as details of any suggested mitigation measures for the proposed development.

4.63 A revised air quality assessment is also required in order to address the off-site impacts of the proposed development due to increased road vehicle movements. It is noted that the report's authors indicate that they believe there to be existing elevated levels of nitrogen dioxide in the vicinity of Horner's Corner; along South Street; and nearby the Anne Boleyn roundabout. No mitigation is offered for the expected small increase in these levels that the proposed development would bring, except for improvements to the Anne Boleyn junction (which have already been secured through the Hall Road development). It is considered that this development, if approved, should achieve a nil-impact or perhaps slight improvement in the air quality of Rochford town centre locations in particular.

4.64 The Sustainability and Land Contamination reports are accepted subject to planning conditions including model land contamination conditions and management schemes for dust and noise throughout construction.

**Rochford Council (Housing Strategy):**

4.65 The proposal to include 35% affordable housing will help contribute to the District's considerable need for affordable housing. Ideally, the tenure mix of affordable units should be 80% rented, i.e., social rent and/or affordable rent (70 units) and 20% intermediate housing (18 units).

**SCHEDULE ITEM 4**

- 4.66 Analysis of demand indicates the rented accommodation should be in the following proportions; 1-bed – 40% (28 units), 2-bed – 37% (26 units), 3-bed – 20% (14 units), 4-bed – 3% (2 units).
- 4.67 Analysis of demand indicates the intermediate housing should be in the following proportions: 1-bed – 44% (8 units), 2-bed – 38% (7 units) and 3-bed – 16% (3 units).
- 4.68 Ideally the type of affordable housing units should be as follows: 1-Bed – 100% flats, 2-Bed – 50% flats and 50% houses, 3-Bed – 100% houses, 4-Bed – 100% houses, some bungalow type 2- and 3-bed units would be appreciated.
- 4.69 Any affordable housing provision should be included in a S106 agreement (this should include delivery triggers, nomination rights and other relevant matters) and pepper-potting throughout the scheme. Please note that the above figures can change over time. We would want to review housing need again if the application is successful and when the reserve matters are being agreed.

**4.70 Rochford District Council (Parks and Woodlands):**

Willow tree in adjacent property is protected by TPO 09/03. I agree with the submitted tree survey, the quality of the trees and the likelihood of limited rooting zone in the field. Condition recommended: Requirement for a more detailed method statement and tree protection plan.

**Rochford District Council (Ecology):**

- 4.71 There appears to be some confusion in the areas proposed for development, with some land within the applicant's land holding, included within the illustrative master plan, and offered for enhancement, lying outside of the application boundary. It would be assumed that the application boundary would normally include all of the land to be modified, especially as it is proposed to create swales to cross this area and discharge into the creek.
- 4.72 The application is accompanied by an Environmental Statement document that appears to adequately assess the impacts associated with the application and is based on an appropriate level of ecological survey. Subject to the information to be provided at the detailed planning stage, there appear to be no ecological reasons to object to this application.
- 4.73 In particular there is a need to ensure that the discharge of water into the creek does not have an adverse effect on the salt marsh and mud flat habitats found there, even at times of unusually high output.

**SCHEDULE ITEM 4**

- 4.74 As part of an ecological management strategy, it is suggested that no footpaths are created or encouraged within the Local Wildlife Site in order to preserve its conservation interest, which could be harmed by increased public access. Any requirement for access along the creek should be accommodated within what is currently arable land.
- 4.75 The following measures of mitigation or enhancement are specified within the Environment Statement and are particularly welcomed:-
- Section 6.200 states that, in relation to the Local Wildlife Site, complimentary habitats are to be created in the new area of open space and that these will provide opportunities for invertebrates;
  - Section 6.201 states that there will be no horse grazing within the LoWS, but that the LoWS will be covered by an ecological management plan for the application site;
  - Section 6.221 states that there will be enhancement of local hedgerows by the planting of native species in new or restored hedgerows and woodland;
  - Section 6.227 mentions wetland enhancement, including the planting of native species;
  - Section 6.248 describes enhancement measures for bats, including the incorporation of boxes within new dwellings;
  - Section 6.297 states that bird nest boxes will be put up in new and existing planting.
- 4.76 If outline planning consent is granted, details of all of these measures and their implementation should be provided within the reserved matters application. The site management plan should be agreed by Rochford District Council after consultation with Essex Wildlife Trust regarding the Local Wildlife Site. Provision should be made for the management plan to be followed 'in perpetuity' to ensure a lasting benefit.
- 4.77 Enhancement measures for bats should be incorporated within the architect's drawings for new buildings and it is suggested that specialised boxes for swifts and other birds also be incorporated within these drawings in addition to those to be put up in new and existing planting.
- 4.78 The applicants are encouraged to increase the proportion of locally native species within their proposed planting schedules, although most of the suggested species are acceptable. The exception is *Prunus laurocerasus*, which is potentially invasive in woodlands and should be excluded.



**SCHEDULE ITEM 4**

Reptile Mitigation

- 4.79 Regarding the proposal relating to the reptile populations known to be present, as covered by Section 6.281 of the ES, the suitability of the Local Wildlife Site alone as a receptor site for animals translocated from elsewhere within the application boundary should be carefully considered, as the populations already present there may be adversely affected by a sudden increase in density. However, given the extent of green landscaping proposed within the scheme, it would not be appropriate for reptiles to be removed to another site. Instead, consideration should be given to creating some suitable grassland habitat in advance of construction to act as a receptor site when site clearance commences. A mitigation plan should be agreed with Rochford District Council before any construction activity commences.

**Essex Police:**

- 4.80 Objection raised with the following comments made:-
- Essex Police object to this application on the grounds of design and layout.
  - The layout depends on a large number of rear parking courts that offer no natural surveillance over them. The majority of burglaries occur due to rear access. This layout offers too many access points to the rear of properties by way of parking areas and rear alleyways. PPS1, PPS3 and the supporting document, Safer Places, seek crime free sustainable developments. You cannot have a sustainable development if it suffers high levels of crime. Crime also has a carbon footprint of which this design layout offers no measures to prevent or reduce. Car crime is also an issue and with so much car parking out of view of owners the opportunities for crime and anti-social behaviour will flourish. Crime and the fear of crime will arise.
  - Essex Police supports the crime reduction initiative, Secured By Design. We would recommend that all developments follow the principles of the initiative and achieve SBD certification. Section 17 of the Crime and Disorder Act also requires the LA to consider crime and disorder when carrying out any of its functions including planning. Crime and the fear of crime are material considerations.

**Neighbours: 168 objections.**

From occupiers of properties in the following streets:-

Coombes Grove, Lucam Lodge, Stambridge Road, Mill Lane, Lingfield Drive, Rocheway, Ashingdon Road, Rochford Lofts – Pollards Close, Mornington Avenue, Cornwall, South Street, North Street, East Street, St Andrews Road, Rochefort Drive, Millview Meadows, Doggetts Close, Branksome Avenue, Gloster Terrace (Stambridge Road), Dalys Road, Weir Pond Road, Russell Grove, Southend Road, Spindle Beams and The Trunnions.

**SCHEDULE ITEM 4**

Summary of objections:-

**4.81 Proximity to Airport**

- Concern that the site is directly under a flight path, which will cause noise, pollution and increased risk to dwellings especially given the proposed expansion of the airport. The adult community college closed as a school because of the expanding airport and risks from the airport.
- How can housing be properly planned when the extent of the Public Safety Zone, which will be extended as a result of the expanded airport, is not accurately known at present.
- Landscaping at the site could attract birds leading to increased risk of air strike, especially in view of the SSSI site nearby, which is designated for birds.
- Southend Airport has made comment regarding the neighbouring Mill site application 11/00494/FUL in which they raise the issue of noise, stating it will be greater than 57dBA. Based on this and the fact the Coombes site is nearer to the flight path it could be assumed properties on the proposed development will suffer equal or greater noise disturbance. It is unacceptable that this should be done, especially in the light of existing knowledge that high noise levels have a deleterious effect on the physical and mental health of those subjected to them.
- The concept of the PSZ rests for its validity on the assumption that an aircraft crashing on the approach to Southend Airport will remain in the very narrow wedge of the safety zone. This is a dangerous assumption to make, especially when the lives of future residents and crew and passengers are at stake.

**4.82 Flood Risk/Drainage**

- The site should be tested for its suitability for such a large area to be built on. There may be water and sand quite deep underground in places which could cause subsidence at a future time.
- The development is likely to put increased pressure on the sewage system, which could be a problem and may cause flooding.
- The river silts up, particularly between Stambridge Mills and the Horse and Groom Public House. Building on the proposed land will increase run-off of rain water and could increase the risks of flooding.
- Concern that the site is below the water level and does flood despite the applicant stating that the site is not in the flood plain.

**SCHEDULE ITEM 4**

- The site is flat and although there may be no problem at present with regard to flooding, building/concreting on such a large scale on such a flat site in close proximity to the river may likely cause a problem with flooding in the future on the site or cause flooding elsewhere.
- Residents will find it difficult to get insurance.

**4.83 Green Belt/Harm to Character**

- Green Belt land is vital to the health and well being of the local community. Encroachment on this area, with its opportunities for leisure and wildlife, should not be permitted and its status should not be changed.
- The attraction of Rochford is in large part due to its green spaces and its character as a market town and rural community. These features would be lost with such development as is proposed in the application. The identity of Rochford would be lost as it would become part of further urban sprawl.
- We should not be building on Green Belt land in such an unsuitable location purely in order to meet Government targets.
- It will change and spoil views from the Roach Valley Way, which is a protected area.
- The proposal would result in the irrecoverable loss of Green Belt, which makes Rochford the rural community it is. The resultant negative impact on wildlife and the loss of a well used public footpath would be unacceptable.
- The proposal would result in the loss of open space, which is not acceptable and would scar the wonderful local countryside.
- The public footpath across Coombes farm that leads to the Roach Valley Way national footpath is a well used local amenity and this would disappear under a paved road if this development is allowed.
- Rocheway benefits from proximity to the green space where the development is proposed and with this has a semi-rural feel which is an ideal place for bringing up children.
- The site is not a neglected wasteland that would be enhanced by having hundreds of unimaginative brick boxes put upon it. It is a valuable piece of nature that is cherished by local residents and walkers alike. The proposal would destroy this.

**SCHEDULE ITEM 4**

- The site is not simply a "field," which people can look at from a distance, but includes a definitive footpath that is heavily used at all times of the year by local residents, for many of whom it is the closest open space to their home and consequently is well-used by dog walkers, joggers, walkers and other recreational users. For visitors, it is a popular access route to the Roach Valley Way. In both instances, any development would destroy the green open space that currently exists, significantly harm a key centrally located recreational zone with the fields and footpath turned into a drab urban landscape of concrete and brick containing a warren of streets crammed with houses and cars, punctuated by an uninspiring manicured village green and formulaic pocket parks.
- The proposal would reduce the separation of the settlements of Rochford and Great Stambridge in which the Stambridge Mills development would fall.

**4.84 Impact on Wildlife/Biodiversity**

- Loss of wildlife/area of natural beauty.
- The wildlife that is living in this area should be protected as it is important for our environment to survive as it should.
- There is clear evidence of badger droppings on the adjacent allotments; allotment holders report seeing badgers and there is a sett to the south of the Rocheway centre.

**4.85 Loss of Agricultural Land**

- The site is prime agricultural land that should be maintained for food production. The site may only be a relatively small area, but when put together with sites like Hall Road it is serious.
- We cannot emphasise strongly enough the importance of keeping our farmland. UK food self-sufficiency has declined over the past decade and we have become more reliant on imported food. Government faith in global markets is undermined by recent events revealing their volatility and unreliability. The vulnerability of both the UK and EU food and farming systems to the new fundamentals of climate change and scarcer, costlier oil is underplayed in current policy. There is little awareness of the lack of resilience within UK based food and farming especially in terms of sufficient, skilled labour and the supporting regional infrastructure that a healthier diet and 'a low-carbon, more resource constrained future' necessitates. There is no overall, future-proofed 'Food Plan for Britain'.

**4.86 No Need for Housing in this Location**

- There is not the need for this additional housing and even if there is, this is not the best place to put it.

**SCHEDULE ITEM 4**

- There are enough houses currently empty that should be occupied before building extra ones, especially on existing Green Belt land.
- The capacity of the area is at bursting point. Four major applications have been submitted - Coombes Farm, Christmas Tree and Hall Road and Stambridge Mills. This is too much housing development for the local area to accommodate.

**4.87 Traffic/Congestion/Parking**

- The current road structure means that all traffic is filtered through Rochford from the outlying areas and until this is changed all this extra development would achieve is helping to bring all the local traffic to grid lock.
- Will directly affect traffic and parking in Rochford town and put further pressure on narrow streets of old buildings. Properties in South Street are listed and additional traffic causes additional vibration harmful to building structure.
- It is already very difficult to exit from Russell Grove to Stambridge Road and this would be made worse by increased traffic on Stambridge Road.
- Rochford would never be able to cope with the extra people and congestion on the roads on both sides of the town. I understand that housing has to take place in our area but this is better placed at Hall Road and Stambridge Mills. Stambridge Mills is brownfield so should always receive approval before Green Belt and Hall Road is on the west side of town so should not impact on the town and roads too heavily.
- The existing road infrastructure is totally inadequate to deal with the increased traffic which would be generated. There are already chaotic hold-ups that occur on a weekly basis. Together with the airport development and the 600 dwellings at Hall Road it is incomprehensible that further development is being considered. This district suffers from the fact that it is only accessible from the west which makes traffic circulation disproportionately restricted.
- The proposal causing traffic problems would affect businesses, some of which are known to have transferred outside the district because the loss of time and production due to traffic congestion. It would therefore be logical to site new development in the Hockley/Rayleigh area, which has more direct access to the A127, A13 and A130 road network than Rochford.
- Increased traffic problems would exacerbate dangers for cyclists who endanger their lives by using the narrow roads, which give little room for manoeuvre (there is no cycle path alternative).

**SCHEDULE ITEM 4**

- If the development was to go ahead, Stambridge Road would be transformed from a small road connecting outlying rural communities into a major artery connecting the housing estate with the outside world. Mornington Avenue and Rocheway would be turned into rat runs for exasperated motorists looking to avoid the jams along Stambridge Road. This could create safety concerns, especially for children.
- The suggested solution to ease congestion on Rocheway by painting double-yellow lines on either side would stop existing residents' friends from being able to visit by car, or force them to park their cars wherever they can find a space and walk.
- The expectations of a modern household likely to result in ownership of several cars and subsequent need for adequate parking facilities for each property within the development appear also to not be addressed, a consequence of which will be on street parking, obstruction to the normal movement of traffic and to service and emergency vehicles.
- The speed of the traffic using Stambridge Road is already a serious issue at peak times.
- The Transport Assessment has not considered the effects of trip generation from the development within the area, which should include Stambridge Road, Rocheway, South Street, East Street, West Street, North Street, Southend Road and the junctions of Sutton Road / Southend Road, South Street / Southend Road / Bradley Way, Hall Road / West Street / Ashington Road. This also needs to include the trips from permitted developments including Hall Road and the Mill.
- Page 118 states that Rocheway is the primary route through the site and designed to accommodate a potential bus route; Rocheway is a very narrow road with parked vehicles along it and would not make a good bus route. There is also the issue that once this road is operating as a bus route other vehicles will push for it to be opened to be a through road for all vehicles. It would be best if Rocheway was completely blocked off from the development, other than cycle and footpath access.
- In one document it states that retractable bollards would be placed at the end of Rocheway preventing all but emergency access whilst at another point says that this access would serve 54 dwellings. Access for 54 dwellings would create more traffic on Rocheway. If the bollards fail or are not maintained then a greatly increased amount of traffic would use Rocheway. The width of Rocheway is narrow and at present a number of trips are generated from the residents and the allotments and especially the Adult Education Centre. Rocheway is also not a controlled parking area and the road is full during the day from drivers parking along it using the station and also for the houses that do not have off street parking, therefore Rocheway should not be the primary access to the site.

**SCHEDULE ITEM 4**

- The proposed replacement footpath running through the site alongside a road would not be safer or better, as suggested by the applicant, than the existing rural footpath.
- Given that for nearly 200 homes the only vehicular access will be from Mill Lane via Stambridge Road, we feel that the addition of potentially several hundred additional journeys resulting from the development would have a significant negative impact on the area. Stambridge Road already has some road safety concerns although these are mainly outside Rochford itself. However, with a 90 degree bend with a joining road (Doggets Close) from existing housing we believe a significant increase in vehicular traffic, both during and after the construction, is a serious additional risk. There are a number of elderly residents along Stambridge Road and no pedestrian aids in crossing the road; there is also a frequent bus service: both these factors increase the consequential risk of increased traffic. Having a single access road for such a large number of vehicles is itself dangerous and given the 60 mph speed limit the junction clearly is an accident waiting to happen. Should the existing 30 mph zone be extended there would be a reduction in this risk but it is still significant given drivers' behaviour on this road. An additional problem is the pathways in the area. As a regular pedestrian I know that the pavements are both poorly lit and poorly maintained. They are also quite narrow. However, they are used a lot by residents jogging or taking dogs for a walk. The consequential increase in vehicle movements would pose a significant increased risk.

**4.88 Adverse Impact on Infrastructure**

- There are not enough shops and services to support the numbers of people that this development would attract.
- The local hospital is busy and will not be able to accommodate more people that might require services.
- The proposal is offering nothing back to the community, e.g., school/medical centre.
- Concern that there would be adverse impact on infrastructure, electricity and water and services, including doctors, emergency services and schools.
- There are insufficient primary schools in the area for more children; it would mean increasing class sizes, which would affect the learning of pupils.

**4.89 Impact from Purdeys Industrial Area**

- The site is opposite a re-cycling scrap yard, which generates significant noise from heavy machinery, which would have a harmful impact by way of noise and disturbance to occupiers of dwellings on the site.

**SCHEDULE ITEM 4**

Modern glazing may help reduce some of the noise, but would be of little use in the summer when windows and doors are opened or for residents in their gardens.

**4.90 Not in Accordance with Policy**

- The development does not accord with Rochford's Core Strategy for new housing, which has identified better connected areas of the district to develop.
- This area is not part of the Strategic Plan for the District.
- Surely the point of requiring local Councils to formulate a Local Development Framework is so they create a coherent strategy that ensures the growth of their communities is sustainable, both in terms of limiting the potentially harmful impact on the local environment and on existing residents? Rochford District Council has produced its Framework and, by excluding Coombes Farm from that, has decided that it is not a suitable site for development.
- If this development was allowed it would offer encouragement to every property speculator to try to overturn the well-laid plans of any Council if they do not conform to their own schemes for self-enrichment.

**4.91 Other Objections**

- Concern about devaluation of close properties, particularly due to loss of view.
- The Police have already objected on the grounds of the badly planned parking areas (behind properties), which will lead to more crime and anti-social behaviour.
- Nothing has fundamentally changed (apart from the slight adjustment of number of properties) to the previous submission that was not passed by the Council, Inspector or Secretary of State and is certainly not wanted by neighbouring residents.
- All the facts regarding this development have been examined and rejected. Nothing, as far as the residents are concerned, has changed. This development would still have a wide ranging and damaging effect on the quality of life of local people.
- Concern that overlooking to existing properties would result.
- The residents will be very busy organising ourselves to defend what is precious to us, the very nature of Rochford itself.



**SCHEDULE ITEM 4**

- The existing rural buffer between residential and industrial areas (i.e. Purdeys Industrial Estate) would be reduced.
- The present scheme seems even more congested than the one submitted previously. Any building on this site would be against the principles of sustainable development.
- The size and scale of this development is totally out of keeping with the area and will have an adverse effect on the local community.
- The appearance of the proposed development is not in keeping with the character of the town.

**MATERIAL PLANNING CONSIDERATIONS**

***Consideration of the principle of residential development of the site***

- 4.92 The proposal to change the use of the application site from agricultural use to residential use has to be assessed against relevant planning policy at both the national, regional and local level and with regard to any other material planning considerations.
- 4.93 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.94 The adopted development plan is the Rochford District Core Strategy adopted December 2011, saved policies in the Rochford District Replacement Local Plan (2006) not superseded by the Core Strategy, saved policies in the Essex and Southend-On-Sea Structure Plan and the East of England Plan (2008).
- 4.95 It should be noted that a legal challenge has been lodged to Core Strategy policies H1, H2 and H3 (all housing policies), but in the meantime the plan and these policies continue with full effect until such a time as the challenge is determined.

**GREEN BELT**

- 4.96 As the application site is not allocated for residential use in the adopted development plan the proposal would not accord with the adopted development plan. Rather, the application site is designated as Green Belt where policies controlling development are very restrictive.
- 4.97 The Government attaches great importance to the long term preservation of Green Belts and their most important attribute, their openness, by imposing restrictive policies on development within land designated as Green Belt, contained within Planning Policy Guidance 2: Green Belts (PPG 2).

**SCHEDULE ITEM 4**

- 4.98 Within the Green Belt, development that consists of the construction of new buildings is considered to be inappropriate development unless the new buildings are required for one of the purposes identified in PPG 2. None of these purposes applies to the proposed development of up to 251 dwellings at the application site and consequently the proposed development would amount to inappropriate development in the Green Belt, something the applicant accepts.
- 4.99 Whilst the applicant states that the proposal would cause the least harm to the Green Belt compared to other Green Belt sites in the Rochford/Ashingdon area (including the general locations for residential development identified in the Core Strategy ) and that it would have a 'major positive' overall impact on the Green Belt, this is not accepted. Rather, it is considered that the proposal would result in substantial harm to the Green Belt for the reasons detailed below.
- 4.100 Inappropriate development in the Green Belt is harmful by definition. In addition, in this case, the proposal would cause further substantial harm to the Green Belt. Inappropriate development should not be permitted unless very special circumstances are demonstrated that would clearly outweigh the harm to the Green Belt that would be caused.
- 4.101 The application site is currently open land in agricultural use and on which there are no existing built structures. The proposed development of up to 251 dwellings would create a significant amount of built form where none currently exists, which would significantly reduce the openness of the Green Belt. Whilst the residentially developable area of the site has been reduced compared to the previous proposal, with the eastern extent drawn back to only that area that directly borders existing residential properties on Stambridge Road, it remains the case that the development of some 251 dwellings would cause substantial harm to the most important attribute of the Green Belt, its openness.
- 4.102 In addition to the harm caused by virtue of loss of openness, the proposed development would give rise to further additional harm. The proposal would extend beyond a clearly defined Green Belt boundary encroaching into the open countryside resulting in the sprawl eastwards of Rochford, something the site's current Green Belt designation seeks to prevent.
- 4.103 The site is rural in character and appearance being in agricultural use and forms part of the distinct character of this part of Rochford, visually distinct from the adjacent urban area. The site has considerable value as an open, attractive landscape, and being adjacent to residential areas of the town is well used by people living nearby, particularly given the public footpath route running through the centre of the site. This much valued rural landscape would be lost in its entirety as a result of the proposed development being replaced with a significant amount of built form, hard surfacing and manicured green spaces.

**SCHEDULE ITEM 4**

- 4.104 Whilst the site is near to existing residential and industrial uses the site is not enveloped by them; the site is clearly distinct from and lies outside the town limits. It is considered that any change that would result from the residential re-development of Stambridge Mills to the south-east would not change the backdrop of the site such that the impact of the proposed development on the character and appearance of the Green Belt would be made acceptable.
- 4.105 The proposed development would increase pedestrian and vehicle movements significantly and the intensity of use of the land by both new residents and vehicle movements within the site would change the nature of the site from what is at present a quiet, peaceful green border to the existing adjoining settlement of Rochford to a significant built extension of the town.
- 4.106 The proposed development would completely change the character and appearance of the site. This change would be evident to local residents including those using the footpath through the site, allotment users and by people viewing the site from further afield given the open views of the site that exist. The proposal would have a significant negative effect on the visual amenity of the Green Belt.
- 4.107 In summary, the proposal would result in substantial harm to the Green Belt.
- 4.108 The applicant considers that very special circumstances exist that would clearly outweigh the harm to the Green Belt that would be caused. The following factors are identified by the applicant as amounting or contributing to very special circumstances with commentary relating to each provided:-
- 4.109 *The inability of the Council to demonstrate an up-to-date five year supply of deliverable sites for residential development*
- As a result of the Government's recognised need to ensure that Local Authorities provide sufficient land for the development of housing, national planning policy contained within Planning Policy Statement 3 (PPS 3) requires proposals for housing to be considered favourably if the Local Authority cannot demonstrate an up-to-date five year supply of deliverable sites for residential development. The applicant considers that the Local Authority cannot demonstrate an up-to-date five year supply of deliverable sites and that this contributes very significantly towards their very special circumstances case.
  - The Council's Annual Monitoring Report 2010 identified a five-year supply of sites; however the applicant has scrutinised this report and considers that errors have been made in the calculations such that the required up-to-date 5 year supply of deliverable sites cannot be demonstrated. Despite the claims made by the applicant the Council is confident that this is not the case and that the required up-to-date five year supply of deliverable sites can be demonstrated as set out in the AMR 2011 and supported by the Strategic Housing Land Availability Assessment (2010).

**SCHEDULE ITEM 4**

- Rochford District Council's Strategic Housing Land Availability Assessment (2010) provides an assessment of the available land for housing in the District, which demonstrates that there are sites within the general locations identified in the adopted Core Strategy for residential development capable of accommodating the required number of dwellings in the required time. There is in short, no need to identify any more land for residential development.
- There is no lack of the required up to date five year supply of deliverable sites; the fact that the proposed development may have potential, if allowed, to provide dwellings does not therefore amount to or contribute to a very special circumstance case for allowing the proposed inappropriate development in the Green Belt.
- The Council considers that an up-to-date 5 year supply can be demonstrated, however, even if there was an absence of this, PPS3 advises that proposals should only be considered favourably with regard also to other policies within PPS3, including the requirements at paragraph 69. The requirement that a proposal reflects the spatial vision for the area and is proposed in relation to a site suitable for housing, including its environmental sustainability, are factors not considered to be met by the proposed development. The site would not reflect the spatial vision for the area and as a result of a number of factors, including adverse impact from noise, impact on air quality and proximity to a likely expanding public safety zone, its suitability as a site for housing is reduced.

**4.110** *The ability to provide affordable housing.*

- The Core Strategy requires new residential developments of a certain size to provide a minimum level (35 percent subject to viability) of affordable housing. The fact that the applicant proposes to provide affordable housing cannot therefore be considered to amount to a very special circumstance; this requirement would apply to all similar residential development proposals in any location.
- The applicant considers that the proposal would help to offset the inability of the Stambridge Mills site to deliver any affordable housing. Firstly, although no affordable housing has been proposed as part of the Stambridge Mills scheme, whether the site can deliver any remains a matter being reviewed by the Council and it may be the case that this site could viably deliver some affordable housing.
- The Council has a strategic approach to the delivery of affordable housing accepting that viability will be considered and may influence the number of affordable units provided.

**SCHEDULE ITEM 4**

- Whilst provision of affordable housing, if it were to be provided at the application site, would be a positive aspect of the application, this alone would not amount to very special circumstances that would clearly outweigh the substantial harm to the Green Belt.

**4.111** *The ability of the site to facilitate the delivery of Stambridge Mills.*

- The applicant has advised that land under their ownership is required to facilitate the flood defence bund required to protect the Stambridge Mills site from an unacceptable degree of flood risk and to facilitate adequate vehicular access to the site along Mill Lane. The Council has not, however, been advised by the Highways Authority that the acceptability of the vehicular access to the Stambridge Mills site along Mill Lane requires use of land within the control of the applicant for the Coombes Farm site.
- Whether the owners of the Coombes Farm site are willing to sell or allow development on land that may be required to facilitate the Stambridge Mills development remains a matter separate from and unrelated to the proposed development on Coombes Farm. As an unrelated issue this cannot amount or contribute to very special circumstances.

**4.112** *The ability to meet the shortfall in housing delivery numbers anticipated from Stambridge Mills since the Core Strategy was submitted.*

- The applicant correctly states that the Stambridge Mills site was identified as a site to deliver 250 residential units in the AMR 2010 and that the current planning application for this site is for 96 units. It is the applicant's view that the development of the Coombes Farm site would meet the shortfall in delivery within the same broad location.
- However, the AMR 2011 identifies the Mill site for 96 dwellings as proposed and with this adjusted figure the district maintains an up to date 5 year supply of deliverable sites for housing. In any case, there is flexibility within the 5 year supply to account for fluctuations in delivery.

**4.113** *The sustainability of the site in the context of the wider area.*

- The applicant draws on the findings of a report that they commissioned to assess the sustainability of potential growth locations around Rochford/Ashingdon, which finds that the Coombes Farm site is the most sustainable location for housing growth within this area.
- The Core Strategy, however, sets out the strategic approach to provision of housing, which looks at the issue of sustainability in a holistic manner and does not support the release of Green Belt for housing development within the general location east of Rochford.

**SCHEDULE ITEM 4**

- Even if one were to discount the Core Strategy there are significant concerns regarding the robustness and validity of the submitted assessment, which seeks to identify the site as the most sustainable site for development. The applicant has not adequately demonstrated that the site is a sustainable site when compared to alternatives. This submitted supporting document (Rochford Strategic Growth Opportunities Critique – Sustainable Appraisal for Land Development (SALD)) purports to demonstrate that the application site is the most sustainable within the Rochford/Ashingdon area. However, this supporting document is not considered robust, as discussed further below.

4.114 *Review of ‘Rochford Strategic Growth Opportunities Critique – Sustainable Appraisal for Land Development (SALD)’*

The applicant has submitted the SALD alongside this application. The SALD purports to demonstrate that the applicant's site is the most sustainable Green Belt site in the Rochford/Ashingdon area for housing given the alternatives available. The Council commissioned specialist consultants to undertake an independent critique of the SALD. This review included the following conclusions:-

- 4.115 “The SALD method has been developed in-house at Scott Brownrigg; there is no evidence to suggest it has been used or tested more widely than on the SALD report for Rochford. The method is based on 3 established methods for the appraisal of buildings and master plans, although it is not clear which aspects of each method have been incorporated. SALD itself is not considered to be an established appraisal methodology” (paragraph 4.2)
- 4.116 “In developing SALD, Scott Brownrigg elected to weight all of the sub-criteria evenly, such that less significant categories such as *access to allotments* and promoting the social economy are afforded the same weighting as more significant planning and sustainability concerns. This inability to differentiate between significant or major constraints and more minor issues is a fundamental flaw in the method and, in our opinion, renders the results of the SALD report invalid.” (paragraph 4.3)
- 4.117 “A number of further key concerns have been identified through the detailed critique of the SALD method in section 3 of this report. This includes:-
  - The use of inappropriate sub-categories in the appraisal, i.e, ones that are not considered to be accurate differentiators at this level of appraisal. This includes categories such as proximity to waste treatment facilities, potential for district heating, promoting local social economy, and housing market factors.

**SCHEDULE ITEM 4**

- A flawed approach to water quality and demand, which rewards sites for being small and close to water bodies, regardless of constraints on water abstraction.
- A flawed approach to the appraisal of landscape, allowing a site in a sensitive landscape area to achieve points for the quality of that landscape, despite any adverse effects it may have.
- Double-counting of some criteria in the balanced communities and accessibility sections.”
- Points awarded for a property’s marketability, in terms of landscape and desirability.” (paragraph 4.4)

4.118 “The critique included in section 3 identified a number of inconsistencies in the appraisal, a sample of these have been highlighted, including for site 13 [the application site], where it scores more highly on biodiversity than a comparative site. This site also scores more highly on a number of sub-criteria that have been identified through our critique as being unreliable, flawed or inappropriate (e.g. water quality, access to allotments, potential for district heating, historic development trends and housing market factors). This has resulted in a higher overall score for this particular site than would be the case otherwise”. (paragraph 4.5)

4.119 “Overall, whilst the SALD report has some aspects to be commended (including its clear and engaging layout, graphical representation of results and wide sustainability coverage), our critical review has found that there are fundamental flaws in the SALD methodology, (particularly with regard to the weighting of issues) and inconsistencies in the appraisal findings that render the SALD report unfit for its intended purpose of comparing the sustainability credentials of sites in Rochford.” (paragraph 4.6)”

4.120 It is considered that no very special circumstances exist that would clearly outweigh the harm caused to the Green Belt from the proposed development either individually or cumulatively. The proposal would be contrary to Green Belt policy.

**Flood Risk and Drainage**

4.121 The red-lined application site is contained wholly within Flood Zone 1, according to the Environment Agency maps, the zone at lowest probability of flooding in which all forms of development are considered to be acceptable, including residential development, as stated in Planning Policy Statement 25: Development and Flood Risk.

**SCHEDULE ITEM 4**

- 4.122 The Environment Agency maps do not, however, account for the effects of climate change. This has been considered by the applicant by the proposed minimum ground levels at 5.02 metres and finished floor levels of 5.32 metres across the site to ensure safe access and egress at the site could be achieved in the event of a 1 in 200 year floor event occurring taking into account effects of climate change.
- 4.123 Regard must also be had to potential risks from rain falling onto and around the site especially as the proposal would reduce the permeability of parts of the site by introducing hard surfaces to existing tilled agricultural land; the Environment Agency has advised that development of this scale can generate significant volumes of surface water. The specific measures proposed in the site-specific flood risk assessment and drainage strategy to address surface water drainage are:-
- Surface water flow through a series of new swales to detention basins before discharge through existing swales to the River Roach (this approach is favoured at this site over a ground infiltration system that would deal with surface water closer to the source incorporating soakaways and permeable pavements due to the low permeability of the site and potential for a high water table close within the site close to the River Roach).
  - Provision of rainwater butts for individual houses.
  - Catchment controls including end of line petrol interceptors and gross pollutant traps.
  - Use of French drains to drain surface water from highways.
- 4.124 Account has been taken of the proximity of the airport and the need to avoid the creation of open water habitat, which may attract birds and cause a danger to aircraft; the proposed detention basins would not therefore be designed to hold water and act as permanent open water features.
- 4.125 Implementation of these measures would be required by condition or legal agreement, together with requirements for on-going maintenance arrangements and would ensure that the volume of water that runs off the site and peak run-off flow rate would not differ from that existing. On this basis the Environment Agency would not object to the proposal, which would be considered to satisfactorily manage flood risks from surface water.
- 4.126 Foul water would be drained using the existing public foul sewer including re-routing sections where necessary and running new foul water drains through the site to this, which would drain through gravity where possible or would be pumped from a local pumping facility.



**SCHEDULE ITEM 4**

- 4.127 The proposed development is considered acceptable, in accordance with all aspects of planning policy relating to flood risk.

**Sustainability**

- 4.128 The site is within reasonable walking distance of the town centre and public transport such that the site could promote sustainable forms of transport. In addition the proposal would support other social and environmental sustainability goals by incorporating dwellings designed to meet the Lifetime Homes standard and accord with Policy H6 of the Core Strategy, through accommodating the principles of Secured By Design to adopt crime prevention measures through design to reduce opportunities for crime and the fear of crime and through inclusion of low-carbon technology, likely roof mounted solar panels to accord with Policy ENV7 of the Core Strategy.
- 4.129 The applicant has also indicated an intention to provide an area of allotments which they consider could help promote a sense of community engagement and provide a local source of food. The allotments are not, however, shown on the parameters plan and may therefore not come forward on a detailed reserved matters proposal.
- 4.130 The proposal is also for dwellings that would meet Code for Sustainable Homes level 4, which would comply with the requirement of Policy ENV9 of the Core Strategy.
- 4.131 The applicant has also advised of their intention to use predominantly materials with a high sustainability rating and manage waste arising during the construction phase through use of a Site Waste Management Plan.
- 4.132 National planning policy contained within PPS1 and PPS3, however, also seeks sustainable patterns of development and advises that Sustainability Appraisals (SA) are a key means of ensuring that sustainable development objectives are taken into account. The adopted Core Strategy sets out the strategic approach to housing delivery for the District and does not include residential development of the Coombes Farm site or development within the Green Belt within the general location of east Rochford. The failure of the site to form part of the strategic approach and its rejection as a result of an SA means the site would not contribute to a sustainable pattern of development. Whilst the applicant has submitted an assessment that concludes that the application site is the most sustainable location for housing, the methodology used does not properly consider wider sustainability issues. It remains the case that it is considered that the site would not contribute to a sustainable pattern of development.

**SCHEDULE ITEM 4**

**Ecology**

- 4.133 National, regional and local planning policy requires Local Authorities to consider the acceptability of proposed development in respect of the impact that the proposed development would have on ecology/biodiversity.
- 4.134 Surveys were undertaken to identify existing habitats within the site and the level of activity of statutorily protected and non-statutorily protected species. Existing habitats present include arable fields, boundary hedgerows, drainage ditches, semi-improved grass land and a small area of salt marsh, the latter two being present outside of the application site but within the land under the applicant's control to the south of the site and part of a locally designated wildlife site.
- 4.135 The results of the survey work showed that no trees had high potential for supporting bats and limited bat activity was recorded. The applicant proposes to provide a number of bat boxes on trees and buildings to enhance habitat for bats and to install appropriate lighting, not harmful to bats. There are some signs of badger activity although no sett was recorded at the site; a sett is understood to be some 50m from the site. The applicant proposes to monitor the pipes within the site where the signs of badger activity were noted prior to development and to ensure no trenches or pits are left uncovered over night. No water bodies suitable for breeding Great Crested Newts were found and neither were any newts recorded on the site. A low population of slow worms and common lizards were recorded, which would be subject to a translocation exercise prior to development to the open space area to the south of the site. Hedgerows are acknowledged to have the potential to support nesting birds. Any works to hedgerows or vegetation clearance would therefore be required to take place outside of the bird nesting season and nest boxes are proposed to a variety of designs. As a result of the mitigation and enhancement measures described above, which would be made subject to planning conditions, the proposal would not have an adverse impact on ecological interests at the site.
- 4.136 The site lies within close proximity to the western-most limit of the Crouch and Roach Estuaries Ramsar, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), which is a site of ecological value at the international level. The impact of the proposed development on the over-wintering birds the designation seeks to protect, must be considered. Conditions would be imposed to prevent adverse effects on this area arising by way of impact on air quality, light pollution and hydrological impacts. The potential for adverse impact arising from increased visitor pressure would be mitigated against with the provision of an area of informal open green space adjoining the developable area of the site. This approach is accepted by Natural England. This area would incorporate a small area that lies within the local wildlife site and in order to protect the wildlife interests in this area the alternative open green space would be subject to an ecological management plan.

**SCHEDULE ITEM 4**

- 4.137 It is considered that the proposed development would not, subject to mitigation, have any adverse impacts upon existing statutorily or not-statutorily designated wildlife sites or on any statutorily protected or not-statutorily protected species within the site.
- 4.138 Essex is one of 6 national biodiversity offsetting pilot projects, which are aimed at sites involving large scale loss of farm land to housing developments of relatively low grade habitat value. This is to apply to the residual impact of the scheme after planning conditions and other mitigation first address such effects. Rochford District Council is a partner to this scheme. The Environment Bank Ltd is a national broker who will, at no cost to the applicant or Local Planning Authority, calculate the value of appropriate conservation credits that a developer needs to purchase to be spent elsewhere, preferably locally, on habitat restoration schemes.
- 4.139 The applicant has been asked, should a favourable decision be made on the application, to join this initiative with the purchase appropriate conservation credits for the residual impact to habitat arising from the development. This would be explored as a clause in a Section 106 legal agreement.

**Acceptability of the proposed development in relation to the proximity of the site to Southend Airport and the Public Safety Zone**

- 4.140 The application site is located approximately 850 metres to the north-east of Southend Airport. None of the land within the red-lined application site lies within the existing Public Safety Zone (PSZ) for the airport, which is an area defined by the Department of Transport at the ends of airports where there is a slightly higher level of risk from aircraft accidents, although part of the land edged blue which would be used as public open space does lie within the current PSZ.
- 4.141 A judgment has to be made as to whether use of land within the PSZ as public open space would be acceptable. Department for Transport guidance (DfT Circular 1/2002) specifically refers to the provision for areas of proposed public open space within a PSZ stating that such uses may be appropriate in cases where there is a reasonable expectation of low intensity use. As the public open space proposed would be designed as Suitable Alternative Natural Green Space (SANGs) it is acceptable that the use would be low intensity, no children's play equipment or sports grounds are proposed, which might give rise to the congregation of people on a regular basis. On this basis, the use of the land as public open space in the manner proposed is not considered to be objectionable.

**SCHEDULE ITEM 4**

- 4.142 The PSZ that crosses the site is, however, set for review following the opening of the extended runway at Southend Airport. The review is currently anticipated to commence in April 2012 and likely to take at least several months. Whilst a modelled public safety zone to account for runway extension does demonstrate that the developable area of the site would remain outside the limits of the PSZ the actual extent of the revised PSZ would only be known following completion of the formal review. A planning condition would therefore be required if outline consent were to be granted to restrict the developable area of the site to that which would fall outside the limits of any revised PSZ, notwithstanding the developable area proposed by the applicant. If the PSZ was then to widen as a result of the formal review, no residential properties would be permitted within this area, which would accord with guidance on appropriate development within PSZ's. A condition would also be imposed to limit the density in the developable area to that proposed to ensure that density would not increase to an unacceptable level, incompatible with the character of the surroundings as a result of any decrease in developable area. Any reduction in the developable area of the site may therefore result in less than the expected 251 dwellings being capable of being achieved at the site.

**Aerodrome Safeguarding**

- 4.143 London Southend Airport has not raised any objection to the proposal on the grounds of:-
- the location and height of the proposed development and whether this is acceptable to ensure that the aerodrome and airspace are safe for use by aircraft
  - the effect on visual and electronic aids to air navigation to ensure that the proposed development would not cause interference with radio signals involved in the use of navigational aids and would not interfere with aeronautical ground lighting.
  - The potential of the proposed development to attract birds and to prevent any increase and where possible reduce the risk from bird strike risk at an aerodrome
- 4.144 The developer would be required to notify and agree with the airport the use of cranes on the site.

**Noise**

- 4.145 It is for the Local Authority to determine whether the proposed development would be compatible with existing surrounding activities or whether potential new residents would be exposed to unacceptably high levels of noise. Planning Policy Guidance 24 explains the concept of noise exposure categories for different types of development and recommends appropriate levels of exposure to different sources of noise. PPG 24 advises that where dwellings would be subjected to a level of noise that falls within NEC A, noise need not be a determining factor in the consideration of a planning application.

**SCHEDULE ITEM 4**

Within NEC B, noise should be taken into account and conditions imposed to ensure an adequate level of protection against noise with planning permission only usually refused on the grounds of noise if new dwellings would be subjected to a level of noise which would fall within NEC C or D.

- 4.146 The applicant's submitted noise assessment states that daytime noise levels from the airport operating with the extended runway would not result in any areas within the site being subjected to noise levels exceeding Noise Exposure Category B. At night, noise exposure from air traffic could, however, fall within NEC C. Night time air traffic movements are, however, restricted by legal agreement such that no more than an average of 4 movements per night between 11.30 pm and 6.30 am could occur. At this level the threshold to noise exposure category C would not be exceeded as a result of aircraft noise several times an hour. Mitigation involving the fitting of double glazing and acoustic double glazing with trickle vents or acoustically treated trickle vents would reduce the impact from air craft noise. The level of noise exposure from aircraft would be of an acceptable level.
- 4.147 The Council's Environmental Protection Team has advised that insufficient reference has been made to potential disturbance of future occupiers caused by noise arising from Purdeys Industrial Estate. The applicant has been advised that a revised acoustic report is required to take account of this with mitigation as necessary. It is, however, considered that appropriate mitigation could be achieved and consequently the lack of this information need not constitute a reason for refusal but could be adequately addressed by planning condition.

**Land contamination**

- 4.148 The potential for contamination to be present or encountered at the application site must be considered especially as the proposed development consists of family housing, a particularly sensitive form of development. The applicant has considered land contamination issues based on a desk-based report as no intrusive site investigation has yet taken place.
- 4.149 The desk-based report indicates that the potential risks from soil contamination and controlled groundwaters at the site are low. There is, however, an identified potential risk to future site users from soil gas contamination associated with the off-site landfill site although the likelihood of migration of contamination onto the site is low.
- 4.150 The applicant proposes an intrusive site investigation incorporating soil sampling and gas and groundwater monitoring via the installation of standpipes prior to any development of the site, the analysis of results and identification and implementation of remediation measures where necessary. The Council's Environmental Protection Unit considers that this approach can be made subject to planning conditions that would deal effectively with any land contamination issues arising by removing any unacceptable risk from

contamination.

**SCHEDULE ITEM 4**

**Pollution / Air Quality**

- 4.151 The residential development proposal is not considered to give rise to any significant direct pollution effects. The potential for the proposed development to give rise to pollution indirectly (e.g. emissions from traffic generated) must, however, also be considered in line with advice in Planning Policy Statement 23: Planning and Pollution Control.
- 4.152 Regard must be had to the impact that the proposed development would have on existing air quality in the area surrounding the application site and the level of air quality that future occupiers of the proposed development site would be exposed to.
- 4.153 The applicant's submitted report indicates that they believe there to be existing elevated levels of nitrogen dioxide in the vicinity of Horner's Corner; along South Street; and near the Anne Boleyn roundabout although no mitigation is offered for the expected small increase in these levels that the proposed development would bring, except for improvements to the Anne Boleyn junction. It is considered that this development, if approved, should at least achieve a nil-impact or preferably achieve a slight improvement in the air quality at Rochford town centre locations in particular. The Council's Environmental Protection Team has advised that a revised air quality assessment is needed to explain the mitigation that would be proposed to achieve nil adverse impact on air quality and the applicant has been informed of this requirement.

**Impact from loss of agricultural land**

- 4.154 The proposed development would result in the irreversible loss of some 11.69 ha of 'best and most versatile' agricultural land, the loss of which should be taken into consideration in accordance with Planning Policy Statement 7, which states that it is for Local Authorities to decide whether such land can be developed having carefully weighed the options in the light of competent advice and taking account of loss of such land alongside other sustainability considerations. It has already been noted that the site would not contribute towards a sustainable pattern of development and the fact that the proposal would result in the loss of best and most versatile agricultural land is one additional contributing factor. However, the loss of agricultural land is not of itself a reason to refuse planning consent.
- 4.155 The proposal would also impact on an existing farming business; the site is currently in agricultural use and rented out to a local arable farmer. Although a detailed assessment of the impact of the proposal on the farming business affected has not been undertaken, the applicant advises that the site forms only a small part of the business and would not likely have a significant impact. No information to the contrary has been forthcoming.

**SCHEDULE ITEM 4**

**Effect of proposed development of existing mineral resources**

- 4.156 The relevant geological map shows that a sequence of strata beneath the site comprises River Brickearth, a known mineral resource.
- 4.157 Essex County Council (Minerals and Waste Planning) considers that the proposed development would effectively sterilise this known, valuable and significant mineral resource as a result of the permanency of the proposed residential development and consequently object to the proposed development as no safeguarding of the mineral resource, prior extraction or investigation to confirm that previous extraction has occurred is proposed.
- 4.158 However, the applicant considers it most unlikely that there is any economically viable brick earth deposit at the site as it is considered likely that the deposit at the site would be no more than 1m thick. In addition, the area is considered unlikely to be worked for reasons relating to proximity to residential properties' existing drainage and overhead power lines. It is also considered unlikely that the extraction of this mineral resource would be economically viable given the closure of local brick earth works. For these reasons the fact that the proposed development may sterilise a mineral resource is not considered objectionable such as to warrant refusal of this application on this ground.

**Transport/Highway impacts**

- 4.159 The applicant has submitted a Transport Assessment in which they have assessed the expected traffic generation from the proposed development and other anticipated developments within the locality, against the baseline (existing) traffic levels and theoretical capacity of roads and junctions in the area surrounding the site.
- 4.160 The results show that capacity is already exceeded on the northern (Southend Road) arm of the Southend Road/Sutton Road junction, which would be exacerbated by the increase in traffic from the proposed development. Works to this junction to improve capacity are therefore proposed and would involve widening of the approach to the roundabout by providing two lanes for a longer distance than is currently the case.
- 4.161 The junction of Southend Road/Bradley Way/South Street currently operates within capacity and would continue to do so as a result of the proposed development. However, if other Core Strategy sites were also developed the Bradley Way arm of the junction would exceed capacity and mitigation works to the junction would be required.
- 4.162 The junction of East/West/North and South Street is shown to operate within capacity at present and that it would continue to do so as a result of the proposed development alongside other likely developments in the area. No mitigation is therefore proposed to this junction.

**SCHEDULE ITEM 4**

- 4.163 Stambridge Road and Mill Lane are identified as roads that would experience an increase in traffic of over 30 percent.
- 4.164 The submitted TA concludes that the proposal would not have any adverse impact on the capacity of the highway network, subject to mitigation works to two junctions.
- 4.165 The application site is located close to the historic town centre, which is characterised by narrow, winding roads with the majority of buildings positioned very close to the highway and designated a Conservation Area. Although development within such areas should only be permitted where the character and appearance of the area would be at preserved or enhanced, policy does not advise that increases in traffic volume in Conservation Areas could be objectionable. The fact that traffic volume may increase within the Conservation Area is not considered objectionable such as to warrant refusal of the proposed development on this basis.
- 4.166 Although the impact from traffic on the highway network capacity would be acceptable, subject to mitigation, it does not follow that development of this site would achieve or contribute to delivering the most sustainable pattern of development for housing within the District. The adopted Rochford Core Strategy sets the general locations for future housing development that are considered to be the most sustainable; east Rochford is not identified in the plan as a sustainable location for development when set against other more sustainable locations.
- 4.167 Policy associated with transport seeks to promote sustainable transport choices, accessibility to jobs, shops and leisure services by public transport and by means of walking and cycling and reducing the need to travel, especially by car. The application site is located close to Rochford town centre, which means that a variety of shops and local services are within walking distance of the site. Bus stops are located within walking distance of the site on Stambridge Road and East Street. The applicant proposes to extend the 30mph speed restriction zone on Stambridge Road to a position east of the new junction to be created with Mill Lane.
- 4.168 The Highways Authority raises no objection to the proposal on highway grounds, subject to several planning conditions and contributions secured by way of a legal agreement.

**Access to the site**

- 4.169 Access to the site is the only reserved matter that the applicant requested consideration of at the outline stage.



**SCHEDULE ITEM 4**

- 4.170 Two vehicular accesses to the site are proposed; one from Rocheway and one from Mill Lane. The main vehicular access to the site would, however, be from the Mill Lane access as the access from Rocheway is intended to serve emergency vehicles only with a gate or bollards to restrict access.
- 4.171 The main vehicular access would be via a 6 metre wide highway, which would run west-east across through the landscaped area of the site to connect the developable area to a new t-junction, which would be created onto Mill Lane. Traffic would access the main highway network via a new t-junction between Stambridge Road and Mill Lane, positioned to the west of the existing Stambridge Road/Mill Lane junction. The existing junction would be closed. Mill Lane would be widened as part of the highway works from 5 to 6 metres with provision of a 3 metre wide shared footway/cycleway.
- 4.172 The Highways Authority raises no concerns with respect to the proposed access arrangements subject to several planning conditions being imposed.

**Acceptability of the number of dwellings proposed**

- 4.173 In addition to consideration of the acceptability of the principle of developing the site for residential use, consideration must be given to the acceptability of developing the 251 dwellings proposed. It is necessary to consider whether the proposed developable area of 11.69ha could accommodate 251 dwellings at an appropriate density and achieve the high standard of design and layout required of new residential developments in order to create a high quality place for people to live.
- 4.174 National planning policy no longer stipulates a minimum density requirement for residential developments and nor does adopted local planning policy; the only requirement is that best and most efficient use of land is achieved.
- 4.175 The proposal for 251 dwellings on the 11.69ha site would result in an average site density of 21.47 dwellings per hectare, which is considered to be acceptable; although the site is Green Belt, the loss of which should be kept to a minimum, this should not be to the detriment of achieving high quality design, which is appropriate to its context and creates a high quality place for people to live. The site is not in a town centre location where a much higher overall density would be in keeping with the surroundings; at the proposed average density it is considered that a detailed design and layout could be achieved, which would relate well to its context.

**Scale, layout, appearance of the proposed development**

- 4.176 Although scale, layout and appearance are matters reserved for consideration at a later date the applicant is required to provide some detail on these at the outline stage.

**SCHEDULE ITEM 4**

- 4.177 The applicant is required to indicate the maximum heights of buildings proposed, which would be 2.5 stories at a maximum height of 10.5 metres. Width and depth parameters are stated to be between 5.5 and 11 metres and 5.75 and 10.5 metres respectively. The applicant has provided a master plan layout, which shows how the proposed 251 dwellings could be achieved. Although this is only for illustrative purposes at the outline stage, the Urban Design Adviser at Essex County Council has considered the submitted information raising a number of concerns.
- 4.178 In particular, concern has been raised with regard to the proposed scale of the dwellings which at 2.5 stories (in part) would, it is suggested, not reflect the surrounding character. In addition, the height of dwellings towards the southern-edge of the site is considered too great given that this area would directly border open green space and not provide a subtle link to this. The need for the proposal to reflect local design and layout of the highest quality and principles of the Essex Design Guide has also been emphasised to ensure that the proposal achieves high quality design appropriate and distinctive to its context. Although a number of concerns have been raised with respect to the illustrative layout, appearance and scale these are matters that can be addressed at the Reserved Matters stage.

**Affordable Housing provision**

- 4.179 The applicant has stated that 35% affordable housing would be provided across the site, that the proposed provision and tenure mix would accord with the most up-to-date requirements of the Council and that affordable housing would be provided 'tenure blind' and spread across the site in groupings appropriate to management requirements. This proposal would accord with relevant planning policy. The Council's Strategic Housing Department raises no objection to the proposed development in relation to the provision of affordable housing and it is considered that this matter could be effectively dealt with by incorporation into a legal agreement.

**Leisure Facilities (Outdoor and Indoor)**

- 4.180 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation advises Local Authorities that where new developments would cause an increase in the population of an area such that existing open space provision and or local indoor and outdoor sports facilities would be over-stretched, then planning obligations can be used to require a developer to contribute towards the provision of new or to upgrade existing open space provision or facilities. Policies CLT9 (leisure facilities) and CLT10 (playing pitches) of the Core Strategy do not include any specific requirement for provision or contribution in relation to new residential developments.

**SCHEDULE ITEM 4**

- 4.181 Sport England objects to the proposal unless a financial contribution is made towards formal outdoor and indoor sports provision, however the Council does not seek to differentiate between types of open space provision, seeking only to ensure provision of the most appropriate type of space to meet the identified needs of a particular part of the District are met.
- 4.182 The application site straddles both the Rochford/Ashingdon and Canewdon settlement areas in the Council's Open Space Strategy 2010. This strategy assesses provision and deficiency of different types of open space within each area. Within both areas there is an identified deficiency in natural and semi-natural green space, which includes woodlands, grasslands, wetlands, open and running water and nature reserves, which are valuable for wildlife conservation, environmental education and biodiversity and provide 'green lungs' for informal recreation and leisure purposes. The proposal would incorporate a significant area of Suitable Alternative Natural Green Space' (SANGS), which would help to meet this locally specific open space requirement. It is not considered that there is a specific identified need for provision of or contribution to formal outdoor sports facilities.
- 4.183 The Council's Annual Monitoring Report 2010 contains the most up-to-date District specific assessment of indoor sports facilities need across the District and confirms that provision of indoor sports facilities exceeds demand save for in relation to indoor bowls facilities. Whilst Policy CLT9 of the Core Strategy identifies a need for the Council to open up access to some existing facilities that are under utilised, for example in schools, it would not be appropriate to require a contribution to this end from the proposed development, which would not directly relate to this ambition. The suggested financial contribution to indoor sports facility provision/improvement by Sport England is not therefore considered reasonable.

**Open Space and Play Space**

- 4.184 Policy CLT5 of the Core Strategy requires the incorporation of new public open space within residential developments, which is accessible and designed to integrate into the development having regard to local current and projected future need and Policy CLT7 requires the incorporation of appropriate communal play space, which would be accessible, subject to natural surveillance and compliant with the Council's Play Space Strategy. The proposal for an area of SANGS in conjunction with smaller open spaces including play spaces, which would be required to feature within the residentially developable area would meet the policy requirements.

**SCHEDULE ITEM 4**

**Education provision**

- 4.185 The County Council has assessed the likely impact of the proposal on early years, primary and secondary education provision in the area and on the basis of 251 dwellings, each with two or more bedrooms, a financial contribution of £1,508,485 index linked to April 2012 costs is sought in respect of primary and secondary provision. Providing this was secured by legal agreement the proposal would be considered to adequately mitigate the impact it would cause on education provision. According to forecasts the County Council advises that there should be sufficient early years and childcare places to meet the needs of the development.

**HEALTH FACILITY PROVISION**

- 4.186 The Primary Care Trust (PCT) has been consulted on the proposed development and seeks a financial contribution towards capital investment to support increased service provision on the basis that the increase in population from the proposed development would have an impact on the current primary health care provision in the area. On the basis of the contribution being met, there is no objection to the proposal on the grounds of impact on primary health care services.

**Utilities**

- 4.187 Connections to existing gas, potable water and telecommunications infrastructure on Stambridge Road/Mill Lane and Rocheway would be made to serve the development. Connections would be made to existing electricity infrastructure to serve the development, which would also involve the installation of a new underground cable route to divert the existing overhead power line, which crosses the application site. The applicant has advised that the proposed connections to these utilities infrastructures are feasible and that sufficient capacity exists in the networks to accommodate the proposed development.

**Archaeology**

- 4.188 The potential impacts of the proposal on archaeology must be fully considered as required by policy within PPG 16. A previous archaeological evaluation of the site in 2008 established significant concentrations of archaeological activity on site. Essex County Council archaeological team has advised that the proposed development would have an adverse impact upon these known archaeological remains and based on this would require a targeted open area archaeological excavation at the site prior to the construction phase to record the significance of this fragile, non-renewable resource. If permission was granted a condition would be imposed to require this work to be undertaken.

**SCHEDULE ITEM 4**

**Trees**

- 4.189 The application site contains significant trees to the eastern boundary. In addition, there are some third party trees close to the application site to the north and west. The applicant has confirmed their intention to remove a number of trees either to accommodate the proposal or due to poor quality and limited life spans. The Council's arboriculture adviser is satisfied that the applicant's tree survey has correctly classified trees at the site and does not object to the proposed tree removals. Whilst it is advised that a more detailed tree protection plan and methodology would be required, this could be made a requirement by condition to ensure that the necessary protection of trees to be retained was in place prior to commencement of any development.

**Impact on the amenity of occupiers of residential properties close to the site**

- 4.190 The occupiers of some residential properties that border the site have raised concerns about the potential for overlooking to result from proposed dwellings. However, as the proposal is in outline with layout and scale reserved for consideration at a later stage, it is not possible to undertake a detailed assessment of the potential impacts that may arise by way of overlooking, development being overbearing or as a result of unreasonable overshadowing. The submitted layout, which shows positions of dwellings on the site is for illustrative purposes only at this stage and may not be the final layout submitted in respect of any Reserved Matters application. Detailed consideration would be given to issues relating to residential amenity at the reserved matters stage, if the outline planning consent was granted. Given the number and scale of the dwellings proposed it is considered that a layout could be achieved on the site that would not result in impacts on adjoining properties, which would result in unreasonable impacts by way of overlooking, development being overbearing or causing unreasonable overshadowing.

**Legal agreement offer from applicant**

- 4.191 This application has been recommended for refusal. However, it is important to consider whether the applicant would be willing to enter into a legal agreement to meet all of the identified contributions required directly in connection with the proposed development in order for the development to be acceptable in planning terms. The Council would seek a commitment to deliver the following heads of contributions/requirements in a legal agreement:-
- Provision and maintenance of open spaces, play spaces and equipment and a sustainable urban drainage system;
  - Provision and maintenance of an area of suitable alternative green space within the area edged blue on the submitted location plan to the south of the application site;

**SCHEDULE ITEM 4**

- Highways contributions:-
  - £10k for passenger transport infrastructure to include a bus shelter on both sides of Stambridge Road in vicinity of the site;
  - £50,000 towards infrastructural improvements at the junction of Sutton Road and Purdeys Way industrial estate; and
  - £5,000 towards the Traffic Regulation Order to enable the relocation of the 30mph zone along Stambridge Road.
- Affordable housing provision at 35 percent with tenure and mix to accord with the most up-to-date requirements of the Council, to be tenure blind and spread across the site;
- Education contribution of £1,508,485;
- Primary Care contribution of £187, 612.46;
- The purchase of appropriate Conservation Credits for the residual impact to habitat arising from the development.

4.192 A response from the applicant in respect of whether they would be willing to enter into a legal agreement to cover the above heads of terms is awaited.

**CONCLUSION**

- 4.193 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.194 The application site is designated as Green Belt in the adopted Rochford District Replacement Local Plan (2006) and no very special circumstances or other material planning considerations have been demonstrated that would clearly outweigh the substantial harm that would be caused to the Green Belt.
- 4.195 The proposal would not accord with the adopted Core Strategy, which has established the Council's strategic approach to the delivery of housing and has not been demonstrated to contribute to a sustainable pattern of development contrary to policy contained within PPS1 and PPS3.
- 4.196 It is therefore recommended that the proposed development is refused planning permission.

**SCHEDULE ITEM 4**

**4.197 RECOMMENDATION**

It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons:-

- 1 The proposed development of up to 251 residential dwellings would not accord with the adopted development plan and there are no material planning considerations, which indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.

The proposal has not been demonstrated to contribute to a sustainable pattern of development and factors including noise impact, impact on air quality and proximity to a public safety zone expected to expand, would all impact negatively on the suitability of the site as a site for housing contrary to policy contained within PPS1 and PPS3. Evidence submitted alongside the application purporting to show that the application site is a sustainable one for housing development is fundamentally flawed. As such, the applicant has failed to demonstrate that the site is a suitable one for development when compared with reasonable alternatives.

The proposed development, by virtue of the proposed change of use of the land from agriculture to residential, would amount to inappropriate development in the Green Belt, which is, by definition, harmful. In addition, further substantial harm to the Green Belt would be caused as a result of the proposed development by way of it resulting in the sprawl of a large built up area, encroachment into the countryside, the loss of open, attractive landscape close to where people live and through adverse impact on the character and appearance and visual amenities of the Green Belt. No very special circumstances exist that would clearly outweigh the harm to the Green Belt and consequently the proposed development would be contrary to Planning Policy Guidance 2: Green Belts.

- 2 The proposal would not accord with the strategic plan for residential development within the District, as detailed in the Rochford Core Strategy (December 2011) and, as a consequence, the proposed development would not contribute to a sustainable pattern of development contrary to policy contained within PPS1 and PPS3.

**Relevant Development Plan Policies and Proposals**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Guidance 2: Green Belts (amended March 2001)  
Planning Policy Statement 3: Housing (November 2006)  
Planning Policy Statement 7: Sustainable Development in Rural Areas

**SCHEDULE ITEM 4**

Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005)

Planning Policy Guidance 13: Transport

Planning Policy Guidance 15: Planning and the Historic Environment

Planning Policy Guidance 16: Archaeology and Planning

Planning Policy Guidance 17: Planning for open space, sport and recreation

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance Note 24: Planning and Noise (1994)

East of England Plan (2008)

Rochford District Replacement Local Plan (2006)

Rochford Core Strategy (December 2011)

Department for Transport Circular 1/2002; Control of development in airport public safety zones



Shaun Scrutton  
Head of Planning and Transportation

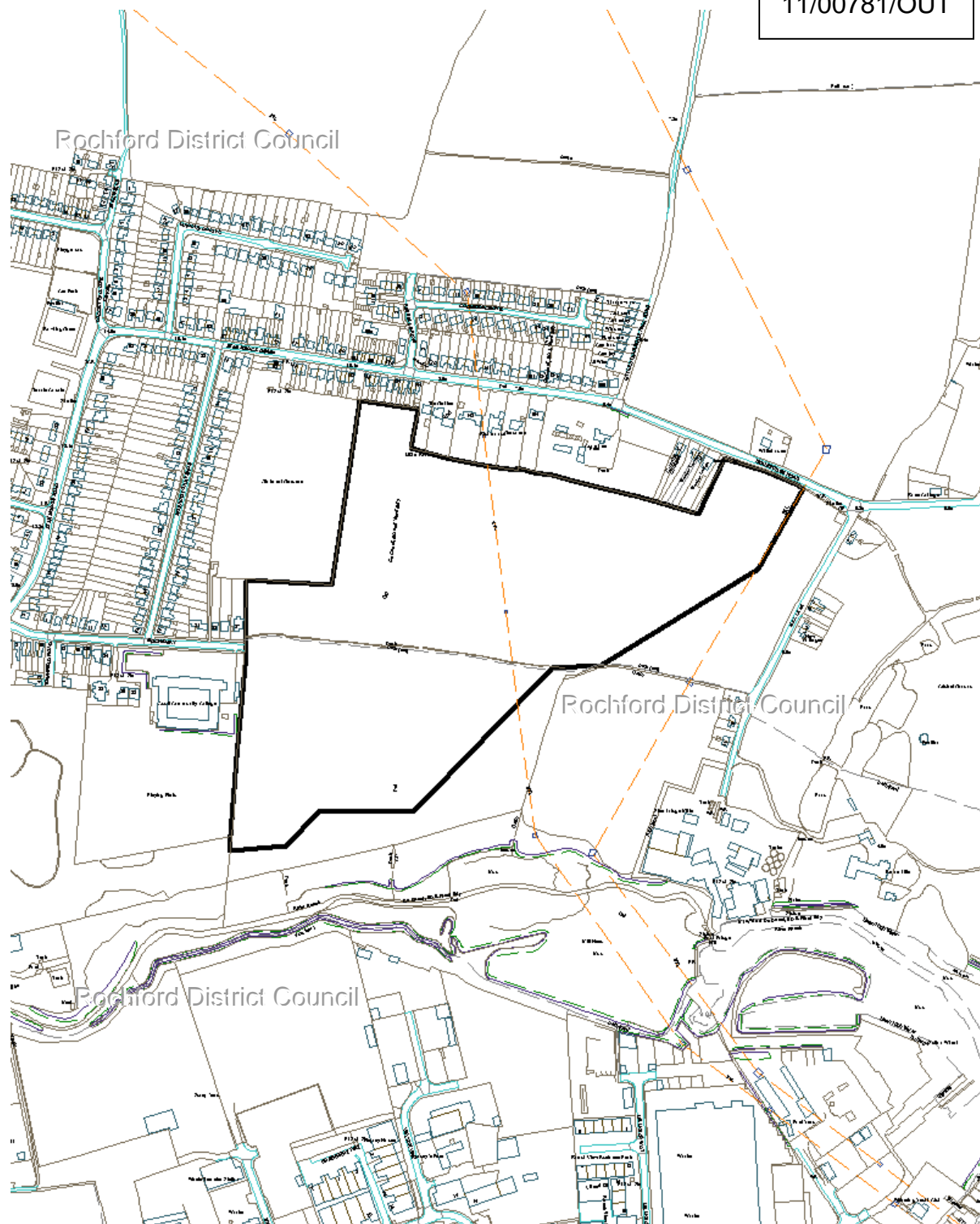
---

For further information please contact Katie Rodgers on (01702) 318094.



**SCHEDULE ITEM 4**

11/00781/OUT



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



**SCHEDULE ITEM 5**

**TITLE: 11/00637/OUT  
OUTLINE APPLICATION TO DEMOLISH EXISTING  
BUNGALOW AND 3NO. COMMERCIAL BUILDINGS AND  
FOR RESIDENTIAL REDEVELOPMENT COMPRISING  
3X2BED, 9X3BED AND 1X4BED HOUSES. ACCESS OFF  
LITTLE WAKERING HALL LANE. ALL MATTERS RESERVED  
EXCEPT ACCESS, APPEARANCE AND SCALE.  
YORK BUNGALOW LITTLE WAKERING HALL LANE GREAT  
WAKERING**

**APPLICANT: VENTURE CAPITAL ASSOCIATES LTD**

**ZONING: RESIDENTIAL**

**PARISH: GREAT WAKERING PARISH COUNCIL**

**WARD: FOULNESS AND GREAT WAKERING**

---

**SCHEDULE ITEM 5**

**PLANNING APPLICATION DETAILS**

- 5.1 Outline planning permission is sought to demolish the existing bungalow and 3 commercial buildings and construct 3 x 2-bed, 9 x 3- bed and 1 x 4-bed houses with associated parking/turning area including 2 car port buildings and refuse/cycle stores with vehicular access of Little Wakering Hall Lane.
- 5.2 The application site is located within the settlement of Great Wakering. The site is an irregular shape with a site frontage onto Little Wakering Road of 31m that widens to a 56m wide boundary to the east of the site adjacent to the termination of Moreland Close.
- 5.3 The front of the site is occupied by a detached single storey dwelling known as York Bungalow, beyond which there are two warehouse buildings adjacent to the north and east boundaries and a row of two smaller units adjacent to the southern boundary.
- 5.4 The site is predominantly surrounded by residential dwellings to the north, east and south. In most cases the site adjoins the rear gardens of neighbouring dwellings. However, to the east the site adjoins the side elevation of houses facing Moreland Close and to the south west corner it adjoins the flank of a detached bungalow that is accessed from Little Wakering Hall Lane. Opposite the site entrance there is a pedestrian access onto Little Wakering Hall Lane leading to residential properties in Brougham Close.

**SCHEDULE ITEM 5**

- 5.5 This application is an outline application with access, appearance and scale to be determined at the outline stage, whilst layout and landscaping are reserved for consideration in a reserved matters application, which would follow if outline permission was granted.
- 5.6 The matters for determination are therefore the principle of residential development of the site, the acceptability of the quantum of development proposed, the scale and appearance of buildings proposed and access.
- 5.7 The proposal is for 13 houses and the submitted indicative layout plan shows how this proposal could be achieved with the houses provided as a block of terraced properties in a building extending along the northern and eastern boundaries of the site. Each house is shown to be provided with an area of enclosed garden to the rear. The proposed dwellings are shown to face onto and wrap around a centrally positioned access road and turning area.
- 5.8 The submitted elevations show that the properties would have pitched roofs and undulating façades with changes in roof height and eaves level. Use of a variety of facing materials is also indicated that, in addition to the articulated building lines, would serve to break up the continuous frontage of the building. The dwellings would all be two storeys save for three of the dwellings located to the middle of the eastern boundary, which would be three storeys with flat pitched dormer windows.

**PLANNING HISTORY**

- 5.9 The site has a long planning history in connection with its employment uses; however, the planning history of most relevance to the determination of the current application are applications 10/00152/OUT and 10/00647/OUT.
- 5.10 In both previous applications much the same form of development as is currently applied for was proposed. Both applications were submitted in outline with access and layout included for determination in 10/00152/OUT and only access included for determination in 10/00647/OUT.
- 5.11 Application 10/00152/OUT was refused for reasons relating to inadequate on-site car parking provision, under-provision of private amenity space throughout the site both symptomatic of over-development of the site and due to concern relating to the provision of road side parking spaces at 90 degrees to a 4.8m wide road, an under-sized turning head and the arrangement of a car port and adjacent parking bays, which lacked sufficient space for the manoeuvring and parking of vehicles safely within the site.
- 5.12 Application 10/00647/OUT featured several relatively small changes to the earlier refused scheme, including a different mix of dwellings and slight change to the proposed car parking layout.

**SCHEDULE ITEM 5**

This application was also refused for reasons relating to under-provision of amenity space, lack of visitor parking and because of a lack of manoeuvrability within one of the proposed car parking areas.

**CONSULTATIONS AND REPRESENTATIONS**

**5.13 GREAT WAKERING PARISH COUNCIL: Object -**

- The main difference between the first and second application is the reduction of two bedrooms over the entire development which, in our opinion, is insignificant.
- Little Wakering Hall Lane is not suitable for the development and the amount of traffic that the development will generate.
- It is difficult for two cars to pass in the area of the Lane from High Street to the entrance of proposed development.
- Children use the Lane to go to and from school and the recreation ground. The Lane would have to be altered and there is no room for a footpath at the moment. Essex County Council had the Lane as a footpath on the Definitive Footpath Map until 13 years ago and only changed the classification when they discovered that they had adopted the Lane.
- The splay onto the high street is dangerous and would require altering. Which could mean losing on road parking?
- A better entrance would be through the strip left for this purpose in Moreland Close, which would require a change to the design.
- The three stories would be out of character to the houses and bungalow next door to the development.
- The proposed play street, which contains a parking bay, is in the entrance road to the site and therefore dangerous for play.
- The trees in the plans at the entrance will block the line of vision onto the Lane.
- Dust carts have a problem getting into the site at present and will they have better access and exit onto the proposed development.
- In line parking could prove difficult and there are no visitors' parking spaces.

**SCHEDULE ITEM 5**

- As no stated garden sizes, we take it that they comply with Rochford's development policy on size.
- Despite what the developer states in their application, a complete decontamination of site will have to be carried out and this will increase the number of lorry movements to the site and cause noise, dust and disturbance to neighbours; therefore a working time would have to be agreed and lorry wheel wash agreed. Also the parking of workers' vehicles will have to be agreed.
- Sewage pipe would have to be replaced and run checked.
- Lane used as an overflow car park for British Legion therefore parking regulations will have to be brought in and policed.

**5.14 HIGHWAYS (ECC):**

Essex County Council as highway authority does wish to raise an objection to the proposal as submitted for the following reasons:-

1. Little Wakering Hall Lane at its junction with the access road is currently 4.4m wide and therefore of sub-standard width. The Highway Authority requires this to be a minimum of 4.8m wide to ensure vehicles accessing the site can do so in a safe and controlled manner. The increased width of the carriageway shall be provided from the land within the applicant's control.
2. The changes to the carriageway layout and mews court access will require vehicle tracking to ensure all vehicles visiting the site can do so in a safe and controlled manner and ensure no over running of junction occurs in the interest of highway safety.
3. The mews court providing access to the proposed development shall be 4.8m wide along its entire length and conclude in a type 3 turning facility.
4. The overhanging structure located between plots 7 and 8 is considered to be a risk to the public, particularly with regard to its future maintenance and therefore should be removed in the interests of highway safety.

**5.15 EDUCATION PROVISION (ECC):**

We are satisfied that there is likely to be sufficient early years, primary and secondary places to meet the needs of the proposed development. Although the development is over 3 miles from the catchment secondary school no contribution towards school transport is sought.

**SCHEDULE ITEM 5**

**5.16 URBAN DESIGN (ECC):**

The increased garden sizes and number of parking spaces relative to the previous scheme appear to have been achieved by decreasing the space in the public realm and by adopting narrower deeper plan forms for the housing. The front gardens to the units at the end of the cul-de-sac have been omitted, resulting in a hard edge to this space but an additional tree has been provided in front of plots 6 and 7. The road and parking spaces are now right up against the southern boundary in places, with little space for landscaping and thought will need to be given to boundary treatment, perhaps using climbing plants. The choice of varied surface materials will be critical to the appearance of the public realm, which is predominantly hard surfacing.

- 5.17 Unfortunately, there are no street elevations showing the relationship of house types linked together. On the site section drawings, the two and a half storey houses with a deep span appear to be quite high in relation to the two storey housing and the space in the public realm. This height ratio and the lack of space for soft landscaping in the public realm, which is especially needed along the southern boundary, appears to be indication of over-development of the site.

**ENVIRONMENT AGENCY:**

- 5.18 No objection; the Environment Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore will not be providing site-specific advice or comments with regard to land contamination issues for this site. It is recommended that the requirements of PPS23 are followed.

**5.19 ENVIRONMENTAL PROTECTION (RDC):**

No objection, subject to the following conditions:-

Model Planning Conditions for Development on Land Affected by Contamination:-

1. Site Characterisation.
2. Submission of Remediation Scheme.
3. Implementation of Approved Remediation Scheme.
4. Reporting of Unexpected Contamination.
5. Long Term Monitoring and Maintenance.

**SCHEDULE ITEM 5**

**5.20 WASTE AND RECYCLING (RDC):**

As long as the new buildings are houses, we can generally accommodate three bins for each property. It is only where flats are proposed that waste storage may become more of an issue.

**5.21 ANGLIAN WATER:**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Southend Sewage Treatment Works that at present has available capacity for these flows.

- 5.22 The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. Planning Policy Statement 25: Development and Flood Risk emphasises the role of SUDS and introduces a presumption that they will be used in all developments. Building Regulations on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency and that if minded to approve the following condition is attached:-

1. *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.*

**5.23 ECC (HISTORIC BUILDINGS):**

The site is well outside the Conservation Area but it is close to three Listed Buildings on the High Street. The curtilage of Numbers 194-6 and 198 abut the site. The application is for outline permission only; I would not wish to make a recommendation on this type of application in a conservation situation. My concern is with the actual appearance of the new buildings and how they might affect the setting of the Listed Buildings. However, I would comment that as the site is presently occupied by industrial-type sheds, I do not anticipate a new residential development having a detrimental impact on the setting of the nearby Listed Buildings.

**SCHEDULE ITEM 5**

**5.24 RDC (ENGINEERING):**

Limited pedestrian access along Little Wakering Hall Lane. Restricted junction Little Wakering Hall Lane and no public foul sewer in the immediate vicinity of the site.

**5.25 NEIGHBOURS:**

8 letters of objection received from the occupants of properties on High Street and Twyford Avenue.

**5.26 Summary of the comments received:-**

- Concern about potential for overlooking from the proposed development to the rear of properties on High Street.
- Concern regarding demolition of existing buildings and asbestos and soil contamination from the existing car repairs business on the site and old factory workings.
- The proposal would amount to over-development.
- Two previous applications have been refused and little has changed on the current application other than the reduction of 2 bedrooms across the entire site.
- Grave concerns regarding the road access to and from the site, with the access to the Lane and High Street very dangerous at the best of times, the lane very narrow and concern that street lighting is not good along the lane that would be used to access the site.
- Width of Lane not suitable for traffic likely to come from the site; two vehicles cannot pass safely as well as there being a public footpath in the lane.
- The only suitable access to the site would be through Morelands Close where a gap has been left for future development access.
- The junction with the High Street has no bell-mouth with sight lines limited, making it dangerous.
- The lane is already over used providing access to the football club, allotments and other buildings and traffic would increase with the proposed development.



**SCHEDULE ITEM 5**

- The lane has no footways and no space for any, making it dangerous for pedestrians, including children, from the proposed development.
- Whilst I do not have objections to a development on this site, my objections are to the access to and from the development. Little Wakering Hall Lane is just a lane, a former cart track. There are not any pavements and not enough space for 2 cars to pass, with no facility to widen this lane. The lane is busy when there is a football tournament at the football club and they provide stewards to man the exit. The junction onto the High Street is a blind spot with cars parking either side of the junction and a bus stop approximately 20m from the junction. There is not a clear view when turning either left or right from the lane. Even walking from the allotments is hazardous at times. This lane is therefore not suitable as an access road for any development. There have been many minor accidents at this junction. Maybe a survey and visit from a Highways representative would be appropriate.

5.27 1 letter of support received from occupants of a property on Rushley Close.

- As such I have no objection to the planning; it will in any event be better to look over than the overgrown yard we have at the moment.

**MATERIAL PLANNING CONSIDERATIONS**

5.28 Since the consideration and determination of the previous proposals at the site, the Council's Core Strategy 2011 has been adopted. Relevant policies within this will now have to be considered.

5.29 The current proposal is the same, in principle, as the two previously refused schemes. The applicant has, however, made further amendments in an attempt to achieve an acceptable form of development including:-

- Slight change to the position of some dwellings within the site; dwellings towards the eastern boundary positioned slightly further (some 2 metres) from the eastern boundary creating deeper rear gardens but resulting in the omission of planting to the front of these properties;
- Increase in depth of some dwellings (by approximately 1 metre); resulting in depths of between 7.8 and 9 metres as opposed to 6.8 and 8.7 metres previously.
- Changes to the parking layout including provision of a greater number of spaces between dwellings.
- Increased on-site parking provision totalling 31 spaces, including 5 visitor spaces.

**SCHEDULE ITEM 5**

- 5.30 Although both previous applications were refused, the reasons for refusal did not relate to the principle of residential development of the site, which remains acceptable as there have been no policy or other changes in material considerations that warrant a different view being taken; the site is allocated for residential development in the adopted Local Plan.

**5.31 AMENITY SPACE**

Each of the 2 bed dwellings proposed would benefit from the required 50 square metres of amenity space. Each of the nine, 3-bed terraced properties would benefit from an area of amenity space, which would have a minimum depth of at least 2.5 x the width of the proposed dwelling to a minimum of 50 square metres in compliance with policy. The one 4-bed dwelling would benefit from in excess of 100 square metres also in accordance with policy.

**PARKING PROVISION**

- 5.32 The adopted parking standard requires a minimum parking provision of 2 spaces per dwelling as each of the dwellings proposed is 2 or more bedrooms plus visitor parking provision at 0.25 spaces per dwelling. This would equate to a total parking provision requirement of 30 spaces. Each space must also meet the preferred bay size of 5.5 by 2.9 metres. 31 spaces are shown proposed on the submitted layout plan, each to the required bay size, which would meet this policy requirement. Although two of the visitor spaces are shown to be on-plot, this is not considered problematic as three other visitor spaces would be provided, which would cater adequately for the 11 dwellings, which would otherwise benefit from 2 spaces each.
- 5.33 The parking standard would also require 3 of the visitor spaces to meet the disabled bay space standard of 6.9 by 3.9 metres. None of the spaces shown on the submitted layout plan would meet the disabled bay size.
- 5.34 The submitted layout plan shows parking spaces, particularly to the front of the terrace running west-east, which are positioned very close to front of the dwellings. Although footpath access to the front doors would be achieved it is considered that parked cars in these positions would dominate and detract from the amenity of occupiers of these properties and from the street scene close to the entrance to the site and give rise to an awkward arrangement which would likely impede easy access to these dwellings. Taking into account the scale of buildings proposed, it is considered that an acceptable parking arrangement could not be acceptably achieved that would not be overly dominant and harmful to residential and visual amenity. Given the quantum of dwellings proposed, there is little scope for flexibility in the layout, given the requirement to accommodate the proposed dwellings, amenity spaces, access, turning head, parking and landscaping. The proposal, at the quantum and scale proposed, is therefore considered to amount to over-development of the site harmful to residential and visual amenity contrary to Policy CP1 of the Core Strategy.

**SCHEDULE ITEM 5**

**RELATIONSHIP TO ADJOINING PROPERTIES**

- 5.35 Although layout is not a matter for determination, the width and depth of each building proposed is a matter for determination (scale) at this outline stage and it is considered unlikely that a markedly different layout could be achieved at the site from that shown on the submitted layout plan. The positions of the proposed dwellings shown on the submitted layout plan are, however, very similar to that proposed and considered not to be objectionable in the determination of the earlier proposal 10/00152/OUT.
- 5.36 The positions of the proposed dwellings are such that rear gardens would adjoin existing residential development; the main exception to this being the position of the detached bungalow at Peace Havens, the northern flank of which would fall adjacent to the proposed access road. In the earlier proposal this relationship was considered acceptable, not giving rise to a sufficient degree of harm such as to warrant refusal given the opportunity to provide a suitable boundary treatment to this property and given the potential existing vehicular use including delivery lorries that arises from the existing use of the site.
- 5.37 Although the orientation of the proposed houses is shown to create a back to back relationship with the residential development to the north within Rushley Close, a minimum of 25 metres would be achieved between the new and neighbouring houses, which is considered acceptable.
- 5.38 The separation distance of the proposed dwellings to the boundary with No. 3 Morelands is slightly greater than was shown on the previous scheme and considered adequate. The potential for overlooking to the rear of No. 3 Moreland Close was not considered to be objectionable such as to warrant refusal in the original scheme given that views would be angled at 90 degrees.

**SCALE AND APPEARANCE**

- 5.39 Scale and appearance were not matters for determination in the previous schemes. The proposal would create a predominantly two storey development with a limited frontage along Little Waking Road. The three storey element would be set back within the site. Whilst the proposal would introduce additional mass and height to some areas of the site compared with the existing commercial buildings, the proposed houses would be positioned significantly further away from the site boundaries in comparison with the existing warehouse buildings, which are of a substantial size and are of a greater height (12.77 metres) than the maximum height of the proposed houses.

**SCHEDULE ITEM 5**

- 5.40 The height, depth and widths of each of the proposed buildings as scaled from the submitted elevations and floor plans are as follows:-
- The dwellings proposed are shown on the submitted layout as one continuous terrace in a l-shaped building with an overall width of some 54m in an east-west direction and an overall width of 35m in a north-south.
  - The scale of the dwellings within the l-shaped building varies with:-
    - widths of between 4.7 and 7.8 metres,
    - depths of between 7.6 and 9.5 metres and,
    - ridge heights of between 8.5 and 9.8 metres
- 5.41 The maximum ridge height of the dwellings proposed has increased progressively over the submitted schemes, from approximately 9 metres to 9.45 metres and is now at 9.8 metres. Dwellings at this height would appear high, especially in relation to the space within the public realm provided, which would largely be devoid of soft landscaping. In an attempt to accommodate the required level of parking provision and amenity space, the space within the public realm and to the front of dwellings has been reduced such that the proposed dwellings would be positioned all but abutting the highway within the site. The substantial height of the dwellings would be exacerbated by this tightly compacted arrangement of dwellings. At the height proposed it is considered that the development would feel imposing and out of character with the surrounding area, which includes a bungalow in close proximity to the south-western boundary. The county urban designer has advised that the height ratio and the lack of space for soft landscaping in the public realm appear to be indication of over-development of the site.
- 5.42 In terms of appearance, the external built form of the development, its architecture and materials are considered acceptable.

**HIGHWAYS/ACCESS TO THE SITE**

- 5.43 Little Wakering Hall Lane is an adopted unclassified road and the Highway Authority has no objection to the proposed access from it, subject to the appropriate widening of the bell mouth into the site. Access off Little Wakering Hall Lane was not considered objectionable in principle in the determination of the previous scheme and there is no reason to warrant a different view with regard to this in the determination of the current application.

**SCHEDULE ITEM 5**

- 5.44 Whilst the Highways Authority has raised an objection to the overhanging structure located between plots 7 and 8 on the basis that this structure is considered to be a risk to the public, particularly with regard to its future maintenance, this structure was a feature of the first proposal where no objection was raised in relation to it.
- 5.45 The Highways Authority also requires the access road through the site to achieve a width of 4.8 metres along its length. The submitted layout shows that part of the access road would not achieve this width because of the location of several parallel parking spaces resulting in a reduced width of 3.7 metres in part. The inability of the site to accommodate an access road throughout at the required width is also considered symptomatic of a proposal which amounts to over-development of the site.

**SUSTAINABILITY**

- 5.46 Policy H6 of the Core Strategy requires that all new housing developments comply with the Lifetime Homes Standard and Policy ENV8 of the Core Strategy requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from de-centralised and renewable or low-carbon sources unless this would not be feasible or viable. Unfortunately, no information has been submitted with the application in respect of these matters. However, it is considered that if outline planning permission was granted these requirements could be secured by planning condition.
- 5.47 Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate surface water run off control via a sustainable urban drainage system. Unfortunately, no information has been submitted with the application to demonstrate use of such a system on the site.

**ECOLOGY**

- 5.48 No objection was raised to the previous applications with regard to ecology and there has been no change in policy or other material considerations such as to warrant a different view being taken with regard to ecology in the determination of the current proposal.

**CONTAMINATION**

- 5.49 Given the site's previous uses it is considered likely that there may be soil contaminants present, albeit at a relatively low level. A planning condition could be imposed to require remedial action as necessary following site investigations, which was suggested and accepted in relation to the earlier application.

**SCHEDULE ITEM 5**

**REFUSE STORAGE**

- 5.50 All but five of the proposed dwellings would be able to store refuse bins in the rear garden and have access directly from the rear garden to the street to enable householders to put the bins out for collection easily. Other properties would have use of refuse stores off-plot and this is considered to be an acceptable solution given the relatively small scale of development.

**CONCLUSION**

- 5.51 The principle of re-development of the site for residential purposes at the scale proposed is acceptable. However, the proposal does not demonstrate that parking provision to meet the adopted parking standard and a high standard of design and layout across the site could be achieved with the quantum and scale of development proposed.
- 5.52 In addition, the inability of the scheme to accommodate a 4.8 metre wide access road is considered symptomatic of a proposal which amounts to over-development.
- 5.53 The height of dwellings proposed, particularly given the very compact layout, largely hard landscaped public realm and lack of soft landscaped frontage to the dwellings, is considered to give rise to a scale of development that would be imposing, harmful to visual and residential amenity and would not achieve a high standard of design.

**RECOMMENDATION**

- 5.54 It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons:-
- 1 The proposal is considered to amount to over-development harmful to residential and visual amenity contrary to Policy CP1 of the Rochford District Core Strategy 2011 and PPS3 by virtue of the following factors. Given the quantum and scale of development proposed it is not considered that adequate parking provision to meet the Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010) and achieve a high standard of design and appearance and not be overly dominant and harmful to residential and visual amenity could be acceptably achieved. The proposal to accommodate an access road through the site in the manner shown and the inability to provide the required 4.8 metre width is considered symptomatic of a proposal which amounts to over-development. The height of dwellings proposed, particularly given the very compact layout, largely hard landscaped public realm and lack of soft landscaped frontage to the dwellings, is considered to give rise to a scale of development that would be imposing, harmful to visual and residential amenity and would not achieve a high standard of design.

**SCHEDULE ITEM 5**

- 2 The proposal does not demonstrate incorporation of a sustainable urban drainage system to control surface water run-off contrary to Policy ENV4 of the Rochford District Core Strategy 2011.

**Relevant Development Plan Policies and Proposals**

EB3, HP6, HP10, HP14, Rochford District Replacement Local Plan 2006

T8, T3, T1, ENV8, ENV9, ENV4, H6, H5, Rochford District Core Strategy 2011

Planning Policy Statement 3: Housing

Planning Policy Statement 13: Transport

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

Supplementary Planning Document 2 (Housing Design)

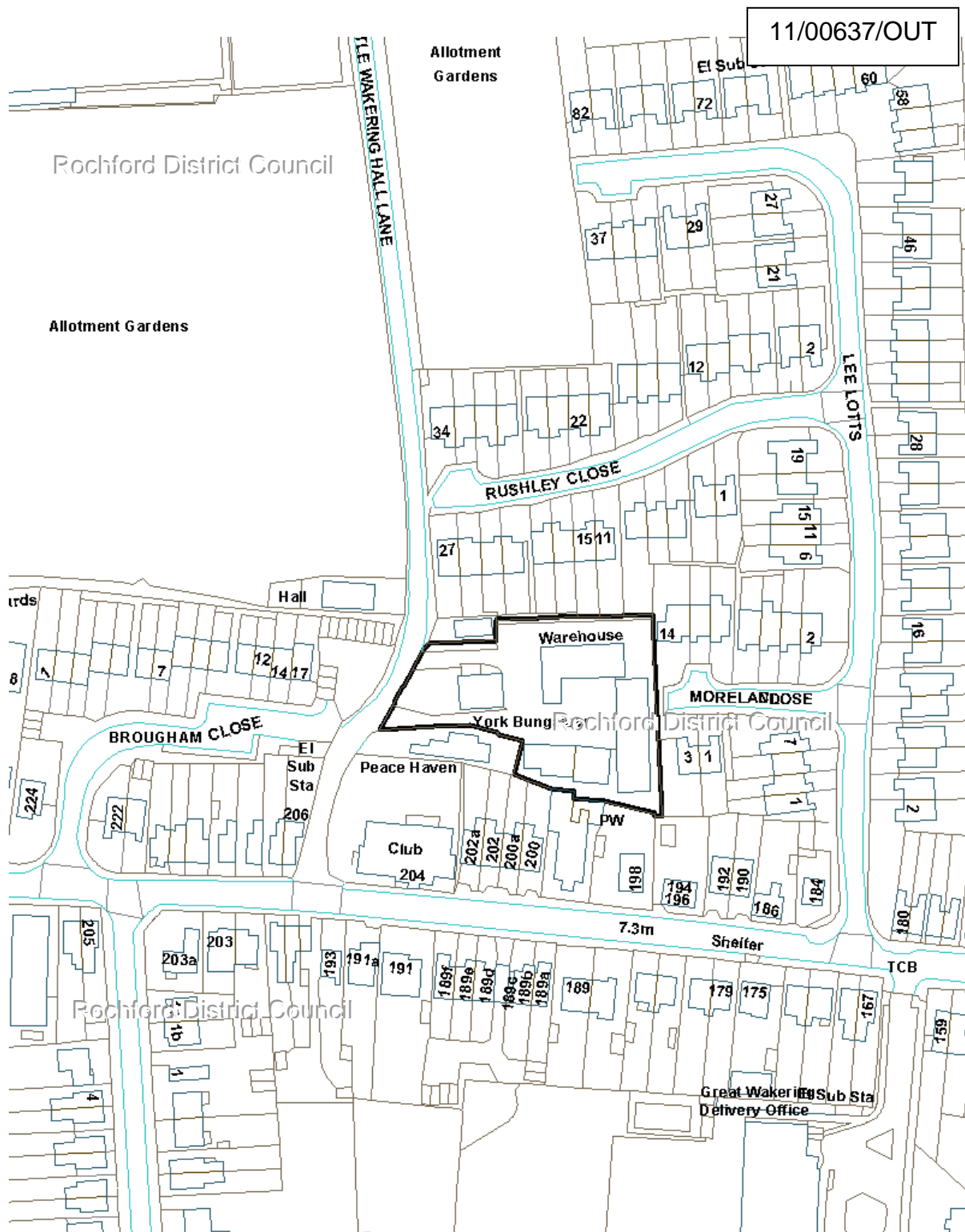


Shaun Scrutton  
Head of Planning and Transportation

---

For further information please contact Katie Rodgers on (01702) 318094.

**SCHEDULE ITEM 5**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

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.