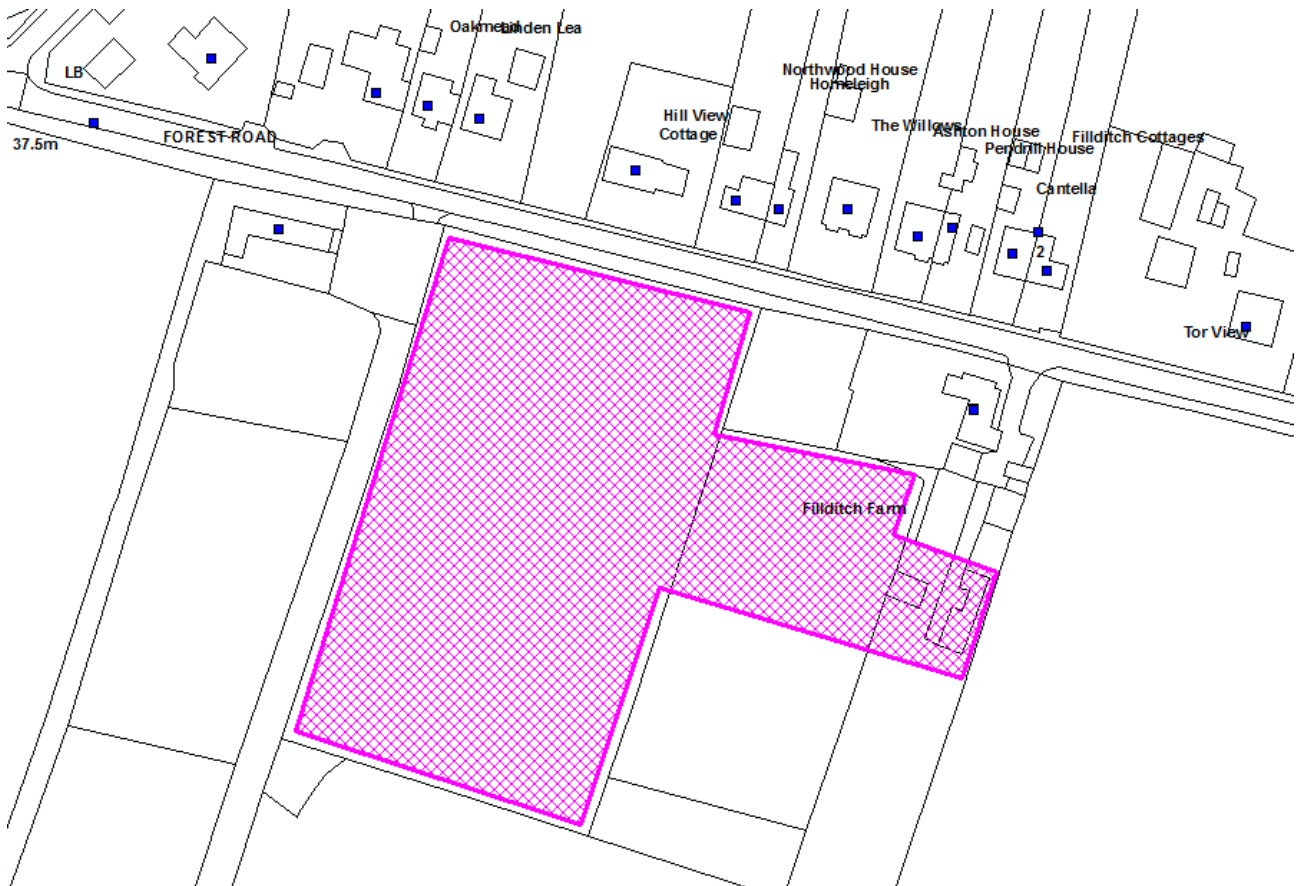


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**Case No:** 21/02526/FUL  
**Proposal Description:** Constructing a fully enclosed dog walking paddock for commercial use by general public. This requires additional fencing of the area and the addition of an area of hardstanding for vehicle parking. (Additional information submitted in connection with highways and ecology)  
**Address:** Fillditch Farm, Forest Road, Swanmore, Southampton, Hampshire  
**Parish, or Ward if within Winchester City:** Swanmore Parish Council  
**Applicants Name:** Mrs Susan Goodman  
**Case Officer:** Nicola Clayton  
**Date Valid:** 18 October 2021  
**Recommendation:** Application Permit  
**Pre Application Advice** No

**Link to Planning Documents**

Link to page – enter in reference number 21/02526/FUL  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is considered that it will have an acceptable impact on the character of the area and would not harm neighbouring amenity.

**General Comments**

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

Cllr Vicki Weston (Ward Councillor) also made a request for the application to be determined by Planning Committee and the request is included as Appendix A.

**Amendments to Plans Negotiated**

During the course of the application further information was requested regarding Highways, Ecology and the submission of an Operation Management Plan.

An outbuilding was also included in the application and a further publicity period was undertaken.

**Site Description**

The application site comprises grassland, hedgerows and associated hardstanding at Forest Road, Swanmore.

There are a collection of residential and rural outbuildings to the east and equestrian land, including stables, to the west.

The northern aspect of the site is bound by Forest Road, residential dwellings and associated gardens whilst all other aspects of the site are bound by further grassland.

**Proposal**

The proposal is to allow the field to be used for dog walking/exercise in a safe enclosed space and the retention of a small outbuilding to be used in association with the use. The development also includes an area of hard-standing to provide parking provision.

**Relevant Planning History**

There is no relevant planning history for this planning application.

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**Consultations**

**Service Lead - Public Protection (Environmental Health)**

Recommend conditional approval (conditions 2 and 3)

- Although there is potential to cause a noise nuisance to nearby residents the submitted report puts in plans to mitigate that potential.
- Should the application be granted two conditions are recommended:
  - 1) The Operational Management Plan submitted is fully complied with at all times.
  - 2) The hours of use are limited to:
    - a. 08:00 to 18:00 on weekdays
    - b. 08:00 to 13:00 on Saturdays
    - c. Not used on Sundays or Bank Holidays

**Service Lead – Community and Wellbeing (Ecology)**

Recommend conditional approval (condition 4)

- The recommendations within section 6 of the Preliminary Ecological Appraisal (Ecosupport, 8 June 22) shall be adhered to throughout all phases of the development. The created and enhanced habitats shall be managed and maintained in accordance with section 6, Appendix A and the completed biodiversity metric thereafter. The enhancement features shown in Appendix B shall be sited prior to the development coming into its intended use and retained thereafter.

**Service Lead – Community and Wellbeing (Landscape)**

- The fields are visually prominent and open and classed as being highly landscape sensitive. Concerns that development would be visually prominent and have an adverse impact on the landscape character.
- A condition requesting landscaping to screen the development from the road is requested if the application is approved (no condition included – see *Impact on character of the area*)

**Service Lead – Engineering (Drainage)**

- No objections on flood risk and drainage grounds.
- A condition requiring details of the drainage associated with the hardstanding area is required (condition 7).

**Hampshire County Council (Highway Authority)**

Recommend conditional approval

- The hedges adjacent to the access is reduced to 600mm in height (condition 6).
- The gate is set back 6m from the carriageway edge (condition 8).

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**Representations:**

Cllr Malcolm Wallace

- Commercial development within a strategic gap.
- Proposal would be visually prominent, including car parking and sight lines.
- Noise impact has not been fully assessed.
- Maintenance would be performed outside of operating hours which may impact neighbours.
- Impact on neighbouring horse paddock and on horse safety has not been considered.

Cllr Victoria Weston

- Visual impact of introduction of car park, removal of hedgerow and urbanisation of important gap.
- Noise impact and degrading of quality of life of surrounding residents and equestrian establishment.
- Concern over safety of dog parks and spread of infectious disease.
- Entrance is shown in incorrect location.

Swanmore Parish Council - OBJECT

- Commercial development in a rural area of the strategic gap and more information is required on the proposed access.

10 Objecting Representations received from different addresses citing the following material planning reasons:

- Loss of residential amenity in terms of noise and disturbance
- Highway safety
- Commercial development in a rural area
- Adverse impact on the character and appearance of the area
- Concerns on animal welfare in surrounding sites.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

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Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 - Development Strategy and Principles  
MTRA3 - Other Settlements in the Market Towns and Rural Areas  
MTRA4 - Development in the Countryside  
CP10 - Transport  
CP13 - High Quality Design  
CP16 - Biodiversity  
CP17 - Flooding, Flood Risk and the Water Environment  
CP18 – Settlement Gaps

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development  
DM13 - Leisure and Recreation in the Countryside  
DM15 - Local distinctiveness  
DM16 - Site Design Criteria  
DM17 - Site Development Principles  
DM18 - Access and Parking  
DM19 - Development and Pollution  
DM20 - Development and Noise  
DM23 - Rural Character  
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide  
High Quality Places  
Residential Parking Standards  
Swanmore Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 - 2030  
Statement of Community Involvement 2018 and 2020  
Winchester District Economic Development Strategy 2010-2020  
Hampshire Economic Assessment  
Landscape Character Assessment March 2004 and emerging LCA December 2021  
Biodiversity Action Plan 2021.

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy MTRA4 allows development which has an operational need for a countryside location which does not harm the character and landscape of the area or create inappropriate noise/light and traffic generation.

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Policy DM13 allows the use of land for leisure and recreational activities for which a countryside location is necessary provided it does not create unacceptable visual or noise intrusion in the countryside either by itself or cumulatively with other developments and the operation of the site will not cause an unacceptable alteration in the character of the area including by all forms of pollution, or harm biodiversity or tranquillity.

Under Policy DM20, as a noise generating development, an application should include an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts.

Policy DM23 allows proposals outside defined settlement boundaries where they do not have an unacceptable effect on the rural character of the area by means of visual intrusion, the introduction of incongruous features or impacts on the tranquillity of the environment.

The site is located outside of the settlement boundary.

A dog exercise facility is considered to require an area outside of a settlement boundary and be an appropriate use for a countryside location given the nature and space requirements of the facility. The proposal is considered in principle to be in accordance with policies of the Local Plan.

#### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

#### **Impact on character and appearance of area**

The proposed change of use is to allow a secure place for dog owners to have access to a field to exercise their dogs. The field is rented out to people for an hour at a time. A hardstanding has been installed for parking on the users on site.

In terms of physical landscape, fencing and hardstanding has been constructed on the site. Enclosures and hardstanding are common features within the rural area and this site is screened by existing hedgerows and trees. The most prominent view of the site would be from Forest Road. Prior to the development, users would be met with a view of an open field. As a result of the development, post and wire fencing is installed and a small outbuilding has been positioned. The development is considered to be small scale and an acceptable low key recreation activity in the rural area. Enclosures and hard-standing are common features within the rural area, particularly where there is equestrian development in the local vicinity, and the introduction of these features does not adversely harm the character of the area and does not cause adverse visual or physical intrusion to the rural character to justify refusal of the application.

The outbuilding has been included to provide small facilities for a staff member to be on site to oversee the Management Plan. The building is small in scale and does not harm the wider character of the area.

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The Highway Authority have requested a condition to ensure that safe visibility splays are achieved from the access point and this involves reducing the hedges adjacent to the access to 600mm in height. The ecological implications of this are considered later in the report. This would have an implication to the character of the area from the Forest Road as the hedge runs for the length of the site. However, it is considered that the resulting hedge continues to provide a green element to the site. In addition, the submitted Ecological report recommends a number of additional landscaping enhancements which are secured by condition 03.

As a result, the works required to the hedge are not considered adversely harmful to the character of the area so as to justify refusal of the application on these grounds.

The proposal is therefore considered by officers to comply with policies DM15, DM16, DM23 and DM24 of the LPP2.

Use for dog exercise has the potential to impact on the character of the rural area through noise disturbance which could also impact on near neighbours.

Whilst a degree of animal and mechanical noise is expected in rural environments, the proposal would result in the concentration of noise and it is therefore appropriate to secure mitigation as part of the planning process.

At the request of the LPA, the applicant has submitted a Management Plan which sets out how the Park would operate. The Plan sets out that operation of the site will be overseen by the owners and only permitted when they are in attendance.

Use will be by pre-booked sessions only with dog exercising limited to 45 minutes to ensure a transition between other users.

Professional dog walkers are restricted to 8 dogs and for the general public a single user is allowed a maximum of 3.

Hours of use are also restricted (with no openings on Sunday or bank holidays) and a complaints response procedure has been set out.

The Plan is an enforceable measure which the Park must operate to. Environmental Protection officers are satisfied that the proposed Management Plan provides sufficient information and mitigation procedures to minimise the risk of noise disturbance.

The proposal does not therefore result in adverse harm to the tranquillity of the rural area and complies with policies DM15, DM16, DM17 and DM23 of the LPP2.

The proposal is also located within a defined settlement gap which in this area is between Waltham Chase and Swanmore. Policy CP18 of the LPP1 only allows development that does not physically or visually diminish the gap. In this instance, whilst it is acknowledged the proposal introduces an alternative use into the countryside, its supporting features (fencing and small outbuildings) are expected within the countryside in both agricultural and equestrian uses. The alterations made to the land do not therefore harm the rural characteristics of the site and do not diminish the function of the gap. The proposal therefore complies with policy CP18 of the LPP1 and Swanmore Village Design Statement.

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**Development affecting the South Downs National Park**

The application site is located approximately 1.6km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the intervening distances and features there is no adverse impact on the Park or its statutory purposes.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

**Historic Environment**

The development is not in close proximity to a Listed Building, Conservation Area, areas of Archaeological interest or a Non-Designated Heritage Asset and there is therefore no impact on designated features or their setting.

**Neighbouring amenity**

The use for dog exercise has the potential to impact on the character of the rural area and neighbouring uses through noise disturbance.

As detailed above, the application is supported by a Management Plan which provides sufficient information and mitigation procedures to minimise the risk of noise disturbance. Environmental Protection officers are satisfied with this approach and recommended conditions from this Plan and the Noise Management Plan have been included, which include restricting hours of operation.

The Plan ensures a staffed presence on the site and limits the activity on the site to acceptable levels.

With the mitigation plan in place there is no adverse impact to surrounding residential amenity.

Comments have been raised regarding neighbouring equestrian uses and the potential impact of the Dog Park being in close proximity. The LPA have consulted with the Council's Animal Welfare Officers and no objection has been raised. The scale of the site and the mitigation measures secured by the Management Plan prevent an adverse impact.

With these controls in place the proposal is considered to be in accordance with policies DM13, DM17 and DM20 of the Local Plan Part 2.

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## **Sustainable Transport**

The applicant has provided visibility splays and a parking plan as requested by the Highway Authority which are acceptable.

Comments have queried the location of the access shown on submitted plans however the access has been accessed on site and is found acceptable.

The visibility splays demonstrate a vehicle can safely exit the site. This requires the hedges adjacent to the site to be reduced to 600mm in height and this is secured by condition 06.

The gates are to be set back 6m from the carriageway edge for reasons of highway safety. Although the users of the car park will not be stopping at this gate, potential vehicles will be parked in front of these gates to open and close the site each day. This is secured by condition 08.

The plan demonstrates the hard standing parking area is large enough to provide 2 parking spaces and sufficient area for vehicles to manoeuvre safely to egress the access in a forward gear.

The proposal is therefore considered to be in accordance with policy DM18 of the LPP2.

The site is outside of the Air Quality SPD area.

## **Ecology and Biodiversity**

A Preliminary Ecological Appraisal (Ecosupport, 8 June 22) was provided in support of the application. The report states in summary:

- The habitat types on site comprise improved grassland, Hedgerows / Line of trees and Hard standing.
- There is potential for breeding and nesting birds, foraging and commuting badgers, a low potential for terrestrial GCN.
- Due to the hard standing and fencing proposed having already been erected, there is a minimal area from these works having likely impacted improved grassland habitat. It is not considered that any habitats of significant ecological value would have been impacted upon.
- The boundary habitats (hedgerows) on site are considered to be of potential for nesting birds and limited suitability for transient GCN and other amphibians however these habitats will remain intact and fenced off from usage.
- Any maintenance or tree / hedge trimming works, on site will be undertaken outside of the bird nesting season or following a check from a suitably qualified ecologist.
- To compensate for the creation of sight lines in the northern hedgerow a beneficial hedge trimming regime is detailed in section 6.2.2.1. Works to complete the hedgerow works have been assessed should be completed in late winter which is secured by condition 3.

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- No external lighting is proposed.
- The northern area of grassland will be enhanced through appropriate planting and management to become a meadow (neutral grassland) as described in section 6 & appendix A.
- Two of the existing hedgerows will be enhanced through additional planting as described in section 6 & appendix A.
- As a result of these measures, a net gain of 10.09% will be achieved to the habitats units on site, with a net gain of 4.8% to hedgerow units.
- 2 Kent style bat boxes and 2 bird nesting boxes (one open fronted entrance and one circular entrance) will be erected on mature trees within the hedgerows as shown in appendix B.

The submitted reports are acceptable and propose suitable mitigation measures which can be secured by this application.

The proposal does not result in adverse harm to surrounding biodiversity and ecological matters and results in a Biodiversity Net Gain of 10.09%. As a result, the proposal is considered by officers to comply with policy CP16 of the LPP1.

### **Sustainable Drainage**

The proposal does not raise concerns on flood risk or drainage grounds and is not a use vulnerable to flooding. The majority of the site remains as found previously in a permeable state however it is acknowledged that the area of hard-standing results in a surface water drainage requirement.

The application form notes that surface water will be disposed of using an existing watercourse however condition 07 ensures that a permeable surface is used in perpetuity.

The proposal therefore complies with policy CP17 of the LPP1 and DM17 of the LPP2.

### **Other Topics**

#### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

The principle of using a rural area for recreational activities such as dog exercise is acceptable.

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In this case the proposal is adjacent to residential properties and the application is retrospective.

The Council has received complaints relating to use of the field for dog exercise. The applicant has submitted an Operation Management Plan with a structure to limit use of the field, a complaint procedure and logging system. The report combined with a condition to control hours of use of the site ensures the likelihood of noise disturbance is minimised and an adverse impact is not demonstrated.

The proposal does not result in adverse harm to the character or tranquillity of the rural area or the settlement gap.

The proposal is therefore considered to be in accordance with policies of the Development Plan and material planning considerations do not indicate an alternative approach should be taken.

### **Recommendation Permission**

Application approved subject to the following conditions:

#### **Conditions**

01 The development hereby approved shall be carried out in accordance with the approved Site Location Plan submitted to the local planning authority on the 18th October 2021.

Reason: To ensure the avoidance of doubt and in the interests of proper planning.

02 The development hereby approved must only operate within the following hours:  
a) 08:00 to 18:00 on weekdays  
b) 08:00 to 13:00 on Saturdays  
c) Not used on Sundays or Bank Holidays

Reason: To ensure the risk of noise disturbance for neighbours is managed and mitigated.

03 The Noise Management Plan by Steve and Sue Goodman dated 03.08.2022 must be adhered to at all times.

Reason: To ensure the risk of noise disturbance for neighbours is managed and mitigated.

04 The recommendations within section 6 of the Preliminary Ecological Appraisal (Ecosupport, 8 June 22) shall be adhered to throughout all phases of the development. The created and enhanced habitats shall be managed and maintained in accordance with section 6, Appendix A and the completed biodiversity metric thereafter. The enhancement features shown in Appendix B shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To safeguard protected species, maintain and enhance biodiversity.

05 No dog training classes are to take place on the site at any time.

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Reason: In the interests of amenity of nearby neighbours and to minimise traffic attracted to the site.

06 Within 3 months of the date of this consent, the hedges adjacent to the access must be reduced in height to 600mm.

The timeframe and maintenance to retain this height must be completed in accordance with condition 04 and for the lifetime of the permitted use.

Reason: In the interests of highway safety. Section 6.2.2.1 of the Ecology reports indicate that late winter is the most appropriate time to undertake works and this complies with the 3-month timeframe.

07 The permeable surface installed in the parking area must be retained and maintained for the lifetime of the permission.

Reason: To ensure adequate surface water drainage.

08 The gates at the entrance of the site must be retained at 6m from the edge of the carriageway into the site.

Reason: To ensure a vehicle can enter and wait in a safe space whilst the gate is opened.

**Informatives:**

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 - Development Strategy and Principles

MTRA3 - Other Settlements in the Market Towns and Rural Areas

MTRA4 - Development in the Countryside

CP10 - Transport

CP13 - High Quality Design

CP16 - Biodiversity

CP17 - Flooding, Flood Risk and the Water Environment

CP18 – Settlement Gaps

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM13 - Leisure and Recreation in the Countryside

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DM15 - Local distinctiveness  
DM16 - Site Design Criteria  
DM17 - Site Development Principles  
DM18 - Access and Parking  
DM19 - Development and Pollution  
DM20 - Development and Noise  
DM23 - Rural Character  
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands  
High Quality Places SPD  
Parking Standards SPD

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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Appendix 1

**City Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor:</b> Cllr Vicki Weston
<b>Case Number:</b> 21/02526/FUL
<b>Site Address:</b>  Fillditch Farm Forest Road Swanmore Southampton Hampshire SO32 2PL
<b>Proposal Description:</b>  Constructing a fully enclosed dog walking paddock for commercial use by general public. This requires additional fencing of the area and the addition of an area of hardstanding for vehicle parking
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>Visual impact introduction of a car park, the removal of important hedgerow and the urbanisation of a strongly rural area in the settlement gap.</b>  <b>The noise impact and the degrading of the quality of life and health and wellbeing of residents neighbouring properties and the detrimental effect on the equestrian establishment and the animal welfare of the horses. Horses are flight animals and strange barking dogs can cause life threatening injuries to horses. This must be considered carefully.</b>  <b>The commercialisation of the settlement gap.</b>  <b>The lack of information available on the consultation with residents as pointed out to me by a concerned resident.</b>

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity

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period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.

- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily
- Members should note that referral of an item to the Committee will require consideration as to whether a declaration of interests and / or pre-determination and bias may be necessary. If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting. *Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

**Once completed, please email this form to the relevant Planning Case Officer and the Development Manager.**