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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 7th January 2020 at 7.30 p.m.

Venue: Council Chamber

N.B. This meeting will be webcast live on the internet.

Membership: Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitutes: Councillors Palmer, Skipp, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

Officers attending: Mr Rob Davis - Planning Development and Enforcement Manager
Mrs Kim Fisher-Bright – Strategic Developments Officer
Miss Fiona Wilson – Head of Legal Services

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 3rd December 2019 is attached.

4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	19/0813/FUL	84-88 Hart Road Thundersley Benfleet Essex SS7 3PF (Cedar Hall Ward)	1
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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 3RD DECEMBER 2019

PRESENT: Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Tucker* and Mrs Wass.

Substitute Members Present: Councillor Tucker* for Councillor Taylor.

Canvey Island Town Council Representatives: Councillors Greig and Mrs Sach were also in attendance.

Also Present: Councillors Palmer, Sheldon, Skipp, and Mrs Thornton.

An apology for absence was received from Councillor Taylor.

16. MEMBERS' INTERESTS

There were none.

17. MINUTES

The Minutes of the meeting held on 5th November 2019 were taken as read and signed as correct subject to the inclusion of Councillors Greig and Mrs Sach as being in attendance as Canvey Island Town Council Representatives.

18. DEPOSITED PLANS

1. 19/0626/FUL – 71 WATLINGTON ROAD, BENFLEET, ESSEX, SS7 5DT (ST MARY'S WARD) – SITING OF 4 MOBILE HOMES AND 4 DAY ROOMS WITH LANDSCAPING TO NORTH AND WEST BOUNDARIES – MR J O'CONNOR

The application sought permission for the siting of four mobile homes and 4-day rooms on land at the southern end of Watlington Road. The proposal represented a residential use on brownfield land allocated for residential purposes. The use of the site as a residential Gypsy/Travellers site would meet an identified housing need. No objection could be raised to the principle of such use.

The application was presented to the Committee at the request of Councillor Sheldon.

Details of late representations received from local residents were reported on to the Committee.

Councillor Sheldon spoke to explain his reasons for referral to the Committee regarding concerns on the need for a Gypsy and Traveller site and the impact of noise on the occupants of the mobile homes given the location of the site adjacent to a railway line and the design of the mobile homes.

The Committee shared these concerns.

Mindful that the Committee appeared to be minded to refuse the application, the Chairman of the Committee proposed that the item should be deferred to the next meeting for a report to be brought back following further assessment of the matters identified.

Resolved – accordingly

2. 19/0602/FUL – SITE ADJACENT TO 71 STADIUM WAY, THUNDERSLEY, BENFLEET, ESSEX, SS7 3TS (VICTORIA WARD) - PROPOSED ERECTION OF NEW WAREHOUSE ADJACENT TO 71 STADIUM WAY – G B AND M HALIBARD

The application sought permission for the erection of a warehouse unit adjacent to existing warehouse units on land allocated for employment purposes in the adopted Local Plan.

The development was essentially the same as two previously refused applications but the lack of an enforceable planning condition requiring the retention of parking on this land and the fencing off of the site to prevent informal parking from taking place were material considerations that had resulted in officers reconsidering the merits of this application.

The proposal was considered to accord with the relevant national and local policies and the proposal was therefore recommended by the planning officer for approval.

The application was presented to the Committee at the request of Councillor Varker on the basis that the development would create further on-road parking in an already congested and busy road within the industrial estate.

Details of a late representation received on behalf of a business located on the Rayleigh Weir Estate was circulated to the Committee.

Mr Sanderson spoke in objection to the application.

Mr Cox on behalf of the applicant, spoke in support of the application.

Councillor Varker spoke to explain his reasons for referral to the Committee.

While some Members concurred with the Planning Officer's view that the proposal should be approved other Members could not support this given the previous decisions to refuse two applications against expansion of the warehouse development because it would remove parking from an area which was in need of having parking improved.

Following debate it was:

Resolved – That the application be refused because the provision of warehousing on the site was refused in 2017 and 2018 based on the loss of parking spaces for the adjacent warehouses and displacement of vehicles into surrounding streets. The current proposal would remove parking provision from an area which is in need of having its parking improved and is contrary to Policy EC2 of the Castle Point Local Plan and government guidance as set out in the National Planning Policy Framework.

3. 19/0632/FULCLC – LAND ADJ TO AND SOUTH OF THORNEY BAY CAR PARK, WESTERN ESPLANADE, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – NEW TWO-STOREY PAVILION WITH ROOF TERRACE AND ASSOCIATED EXPANSION TO EXISTING CAR PARK – CASTLE POINT BOROUGH COUNCIL

The application sought permission for a new pavilion, public toilets and car parking.

No conflicts with local and national policy had been identified.

The application was presented to the Committee because the Council was the applicant and owner of the land.

Mr Hawkins spoke in objection to the application.

Ms Howard, spoke in support of the application.

The Committee noted the speakers' concerns but were of the view that there were no planning reasons to refuse the application.

Resolved – Unanimously that the application be approved subject to the conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

Application Number:	19/0813/FUL
Address:	84-88 Hart Road Thundersley Benfleet Essex SS7 3PF (Cedar Hall Ward)
Description of Development:	Demolish existing outbuilding and construct 7 No residential units above commercial premises including associated parking and facilities
Applicant:	DSA Properties Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	10.01.2020

Summary

The proposal seeks permission for the expansion of existing residential accommodation above commercial premises fronting Hart Road. While the proposal would provide a modest boost to overall housing supply, the proposal exhibits a number of deficiencies when assessed against the Council's policies and guidance as well as the National Planning Policy Framework. These relate to the space around the building, its relationship with adjoining sites, the space within the proposed flats, a lack of outdoor amenity space, and the displacement of commercial servicing onto the highway. It is therefore recommended that the application be REFUSED.

The application is presented to the Committee at the request of Councillor Hart, who has requested a committee decision due to concerns relating to the proposal being overdevelopment, out of character, having a lack of parking and lack of amenity space.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application relates to an existing two storey building comprising retail uses at ground floor and two flats at first floor, each accessed by means of an external staircase to the rear of the building. To the rear of the building is a large single storey outbuilding used for storage.

To the north of the site is The White Hart pub. To the east are residential properties, while to the south are further commercial premises.

The Proposal

Permission is sought for the loss of the two existing first floor flats, the provision of four new one-bedroomed flats at first floor and a further two one-bedroomed flats and a two-bedroomed flat at second floor, making a total of seven flats on the site (and a net gain of five). The proposed overall height would be 8.9m.

The first floor would be finished in off-white render, while the second floor would have zinc cladding. Timber infill panels would be provided as a feature.

Balconies and terraces are provided to the rear of the building adjacent to the communal walkways used to access the flats.

The existing dilapidated outbuilding to the rear of the site is to be demolished to make space for a car park of seven spaces for the residential flats at first and second floor.

The proposed site plan notates existing parking for retail staff located on adjoining land under the control of the applicant is to be retained. There is no provision shown for off-street servicing by commercial vehicles.

There are a couple of air conditioning units on the north side elevation of the existing building, which are to be retained in their current location.

Supplementary Documentation

The application is accompanied by a design and access statement which can be viewed on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019):

Achieving sustainable development

Paragraph 11

Making effective use of land

Paragraphs 117-118

Promoting sustainable transport

Paragraphs 105-106

Achieving well-designed places

Paragraphs 127, 130

Castle Point Borough Council Adopted Local Plan 1998

This allocates the site for shopping purposes. Relevant Policies include:

EC2 – Design

T8 – Parking standards

Residential Design Guidance (2013):

RDG2 – Space around buildings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG8 – Detailing

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

RDG16 – Liveable homes

Consultation

Refuse and recycling – The bin store within the development will be sufficient for the domestic flats. However, this bin store cannot also be used for the storage of trade waste from the commercial premises, which must be kept separate. The applicant therefore needs to provide details of where the trade waste bins are to be sited.

Public Consultation

Comment has been made in support of the proposal that it represents an improvement on what is currently there.

The following objection comments have also been made:

- o Eyesore
- o Modern and not in keeping with the village feel of Thundersley
- o Area is already congested with traffic and parking
- o Overlooking of nearby residential properties
- o Loss of pharmacy
- o Additional on-street parking in side streets
- o I currently live in the building so will be made homeless by this proposal
- o Proposed car park would be detrimental to residential amenity of nearby dwellings through noise and fumes
- o Don't think the existing building could support an additional storey
- o Lack of private amenity space for the flats
- o Insufficient space within car park

Comments on Consultation Responses

- o The agent for the application has advised that the existing ground floor retail units are not affected by this proposal. There are no plans to close the pharmacy that currently occupies one of the units.
- o Discussion with the agent about commercial refuse storage has taken place and the pharmacy has ample space for its bin on land to the rear of the premises. A location still needs to be found for the food store to site its refuse bin, but it is considered that there is space where this could take place at the rear of the building without interfering with access to the flats or the residential bin store. A condition may be applied to any permission granted to require submission of details of a commercial bin location, which the agent for the application has stated would be acceptable to him.
- o Structural issues relating to the existing building are not a planning matter.
- o The status of existing tenants within the building is a private matter between the landlord and tenant. It is not the role of the local planning authority to prevent a landlord ending a tenancy.

Evaluation of Proposal

The main issues with this application are the principle of additional residential accommodation, the design of the building, the impact of the development on neighbours, whether the development provides suitable living conditions for occupiers and any parking implications associated with the development.

Principle

The site is allocated for shopping purposes in the current Local Plan and is listed as a local shopping parade. There are no policies in the Local Plan relevant to the provision of newly-constructed residential accommodation above ground level within a local shopping parade. Paragraph 118e) of the National Planning Policy Framework (the Framework), however, states that planning policies and decisions should support opportunities to use the airspace above

existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

The principle of providing residential accommodation by means of an upward extension is therefore supported by the Framework in principle.

Design

Policy EC2 of the current Local Plan seeks a high standard of design in all extensions and alterations to existing buildings. In particular, the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the Framework.

The Council has adopted Residential Design Guidance as a supplementary planning document. Within this, RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings, not causing disruption to exceptionally strong patterns of development.

The proposal would result in the provision of a three-storey building. While buildings immediately adjacent to the site are two storeys in height, there are three-storey buildings within Thundersley Village, at Aston Place (106-116 Hart Road) and Willow Lodge (68-70 Hart Road) so it is not considered that a three-storey development would be intrinsically unacceptable in the area. Furthermore, this proposal, which has a maximum height of 8.9m, would not be appreciably higher than many of the two storey buildings in the area exhibiting high ridge lines.

The proposed external finishes would result in the building having a modern appearance. This particular style is not evident on other buildings in the immediate vicinity, although the area is of varied architectural character with buildings of differing ages, styles and designs, and in this context the proposal would add to the eclectic mix. It is not considered that the external appearance of the building would be visually harmful. Support is found for this approach at paragraph 130 of the NPPF which advises that where developments accord with clear expectations in plan policies design should not be used by the decision-maker as a valid reason to object to development.

Turning to matters of space and setting, the proposed new development would be located up to the shared access on the southern side of the site and 0.2m to 0.5m from the boundary with the pub garden on the north side.

On the southern side of the building, there is a vehicular access which is shared with the adjacent site so is unlikely to be built over and would maintain a reasonable setting for the building on this side. There is therefore no objection to this aspect of the proposal.

On the northern side, the 0.2m to 0.5m wide gap that is proposed between the building and the boundary is considered to be a meagre amount of space that would fail to provide the building with an adequate setting and consequently make it look cramped.

It is acknowledged that the adjoining pub garden is an open space which provides a significant amount of space for a setting, however were the pub site to come forward for redevelopment it would not be possible to insist that any redevelopment of that site maintained extra space on its side of the boundary to compensate for the lack of space at 84-88 Hart Road.

The second floor would be set in an additional 0.2m from the flank wall of the floor below but this would not make a perceptible difference to the overall amount of space around the building. Whilst it is often accepted that buildings with less or no space around them are appropriate in town centres where the urban grain is tighter, it is the opinion of officers that the character of Thundersley Village, being smaller and more suburban in feel, is different.

This can be evidenced by the three-storey developments in the area, which are set in from their boundaries. It is acknowledged that there is evidence of single storey development located up to driveways and even two storey development located up to site boundaries such as the block on the corner of Dark Lane, however that development is a corner plot where the adjacent road provides much space along with a shared driveway on the north side of that building. The current proposal does not benefit from such circumstances. The single and two-storey developments up to boundaries that are currently present in the area do not set a precedent for this proposal, which is deemed to be contrary to RDG2.

The proposal would also be contrary to Policy EC2 inasmuch as its scale, siting and layout would not be appropriate to its setting.

RDG3 requires proposals to respect established building lines. The proposed development would be located no closer to the highway than the existing building therefore this element of the development is satisfactory.

RDG13 seeks the provision of safe, adequate and suitable means of refuse and recycling storage for all forms of residential development. The proposed bin store is adequate for the needs of the residential occupiers and access is suitable for collection purposes. The provision of commercial waste storage may be dealt with by way of a condition if the proposal is granted permission. Subject to a condition requiring submission and approval of commercial waste storage details, no objection is raised on the basis of RDG13.

Impact on neighbours

RDG3 also requires development not to result in excessive overshadowing or dominance to adjacent properties. The proposed development would not project excessively beyond the rear wall of the adjacent flats above commercial premises to the south of the site and is not considered to result in undue dominance or overshadowing of those properties.

Properties opposite are too remote to be significantly affected by the proposal.

The properties located to the rear of the site in Swans Green Close would be a minimum of some 25m from the proposed development which is considered sufficient to prevent them being adversely affected by way of overshadowing or dominance from it.

The site to the north contains the adjacent public house. While there is a substantial gap between the pub building and proposed development, sufficient to prevent the proposed development from being unduly dominant or overpowering to any manager's accommodation that the pub may contain, the proposed construction would be sited almost on the boundary with the adjoining pub garden and as such is likely to constitute a dominant feature. Given the height and orientation of the proposal it is also likely to result in the overshadowing of the pub garden.

There are some trees just to the north of the boundary, within the pub garden, and the provision of the extended building in such close proximity to these trees could also lead to pressure on the proprietor to heavily reduce or fell them, further harming the ambience of the garden for patrons wishing to enjoy outdoor drinking and dining.

The proposed development is considered to have a negative effect on users of the adjacent space, and an objection is raised on the basis of RDG3.

RDG5 deals with privacy and requires a distance of 9m to be provided between first floor windows and the boundaries of the site, increasing to 15m for second floor windows.

The development would be 18m from the rear boundary of the site which complies with RDG5. The front windows would overlook the street which is within the public realm and would not cause undue loss of privacy to properties opposite.

One side window is proposed at second floor level, to flat 7. This is not provided with 15m to the north boundary of the site, but as the window would overlook the pub garden, which is a space available to members of the public and open to view from the street, it is not considered that any loss of privacy or residential amenity would arise.

The balconies/walkways to the rear of the building are not considered to offer the possibility of significant overlooking of the flats at first floor in the buildings to the south.

There is therefore no objection to the proposal on the basis of RDG5.

Living conditions for occupiers of the flats

RDG16 requires all new dwellings to be provided with appropriate internal space and circulation space reflecting the character of the surrounding area and current best practice. The Department for Communities and Local Government's Nationally Described Space Standard (2015) represents an example of best practice. The proposed development has been assessed against this, and the findings are below:

	Required	Actual
Flat 1 (1bed 2pers)		
Floorspace overall	50m ²	50.1m ²
Bedroom	11.5m ² , 2.75m wide	13.2m ² , 3.46m wide
Storage	1.5m ²	0.52m ² + 1.43m ² - 0.72m ² = 1.23m²
Flat 2 (1bed 2pers)		
Floorspace overall	50m ²	50.1m ²
Bedroom	11.5m ² , 2.75m wide	13.2m ² , 3.46m wide
Storage	1.5m ²	0.52m ² + 1.43m ² - 0.72m ² = 1.23m²
Flat 3 (1bed 2pers)		
Floorspace overall	50m ²	50.1m ²
Bedroom	11.5m ² , 2.75m wide	13.2m ² , 3.46m wide
Storage	1.5m ²	0.52m ² + 1.43m ² - 0.72m ² = 1.23m²
Flat 4 (1 bed 2 pers)		
Floorspace overall	50m ²	39.3m²
Bedroom	11.5m ² , 2.75m wide	12.7m ² 3.14m wide
Storage	1.5m ²	1.41m ² - 0.72m ² = 0.69m²
Flat 5 (1 bed 2 pers)		
Floorspace overall	50m ²	47.4m²
Bedroom	11.5m ² , 2.75m wide	12.7m ² , 3.16m wide

Storage	1.5m ²	0.41m ² + 1.42m ² - 0.72m ² = 1.11m ²
Flat 6 (1 bed 2 pers)		
Floorspace overall	50m ²	49.7m ²
Bedroom	11.5m ² , 2.75m wide	13.3m ² , 3.45m wide
Storage	1.5m ²	0.517m ² + 1.40m ² - 0.72m ² = 1.20m ²
Flat 7 (2 bed 4 pers)		
Floorspace overall	70m ²	67.0m ²
Bedroom 1	11.5m ² , 2.75m wide	18.2m ² , 3.47m wide
Bedroom 2	11.5m ² , 2.55m wide	10.0m ² , 2.91m wide
Storage	2m ²	0.96m ² + 2.39m ² - 0.72m ² = 2.63m ²

As can be seen, there are several deficiencies in terms of the amount of built-in storage, the floor areas of the flats overall, and the size of one of the double bedrooms. It may be possible to overcome these deficiencies by amending the floor plans, for example by reducing the occupancy of the flats by reducing some double bedrooms to singles (this applies to flats 4, 5 and 7). However, as it stands, some of the flats would be cramped for the number of intended occupants. The flats would also lack satisfactory storage, for items such as ironing boards, vacuum cleaners, mops, brooms and similar domestic equipment.

In the light of these deficiencies the proposed development would offer a poor level of amenity for future occupiers, failing to achieve the high standard of residential accommodation that the Framework strives for and be contrary to RDG16 of the council's Residential Design Guidance.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met. For flats a minimum of 25m² is required for each unit, either privately or publicly. It goes on to say that the provision of a balcony of at least 5m² can be included in this requirement.

The proposal provides no communal amenity space and the level of outdoor provision is clearly short of the 175m² required under this guidance. However, it is the practice of this authority to take a flexible approach to the provision of amenity space in shopping centres such as this where there is access to public open space and balconies are provided.

The site is located less than 400m from Thundersley Common, which is considered to be close enough to walk to. The development also provides balconies to flat 1-6 and a terrace to flat 7. However, the balconies to flats 2,3 and 6 fall well short of this guidance.

Concern is also raised over the location of the balconies and access to the flats in relation to the internal layout of the development. Occupiers and visitors would have to walk past the bedroom windows of neighbours to access some of the flats and the use of balconies 1, 4 and 5 would permit views into these neighbouring bedrooms. As such it is considered that the development would result in an unacceptable loss of privacy for some of the occupiers.

Parking implications

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require a minimum of one off-street parking space for one-bedroomed properties and a minimum of two spaces for properties with two or more bedrooms. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Parking

spaces should have dimensions of 2.9m by 5.5m. This is consistent with paragraphs 105 and 106 of the Framework.

The parking needs of the proposed residential development are as follows:

6 x 1 bed flats = 6 spaces

1 x 2 bed flat = 2 spaces

Visitors $0.25 \times 7 = 1.75 = 2$ spaces

Ten spaces are therefore required and 7 are provided. This is less than the minimum figure derived from application of the parking standards, however, the parking standards document states that reduction of the vehicle parking standard may be considered if there is development within an urban area that has good links to sustainable transport.

The site is within Thundersley Village with its local shops and services. The site is also on the route of Arriva's No.1 bus service (Shoeburyness to Rayleigh) and First's No.21 (Canvey to Southend) and so would suit non-car owners and non-car trips to the site by visitors. It should be noted that there is also a public car park located very close to the site. Accordingly, the application site is considered to be in a sustainable location and in circumstances such as these it is the practice of this authority to accept parking provision on a 1 for 1 basis. No objection is raised to the proposal on the basis of Policy T8.

A notation on the drawings indicates that existing parking for retail staff in garages on adjoining land will be retained, but details of this have not been provided. The site visit undertaken by officers has shown that these garages are in fact buildings with no vehicular access. Some clarity on the commercial parking provision is therefore required. The agent for the application has been contacted but to date no response has been received.

Nonetheless, the amount of retail space is not being increased by this proposal and the rear yard behind the shops is for the most part occupied by storage sheds. It is therefore unlikely that an objection on the basis of a lack of commercial car parking provision would be sustained on appeal.

There is, however, a concern over where delivery goods would be unloaded. The existing servicing facility is being removed but no replacement provision is being made. Policy S5 of the Local Plan requires on-site servicing provision, which this proposal would go against, by displacing it onto the highway.

While it is accepted that many premises in commercial centres have no off-street servicing provision, and the change of use of these premises to other commercial uses is often permitted with no off-street servicing being provided, that is a legacy of historical development and insisting on the provision of servicing facilities in these circumstances is both unreasonable and impracticable. However, where existing facilities are being removed it is reasonable to require their replacement to ensure that the demand for servicing on the highway is not increased. This proposal would appear to displace servicing from the site to the highway, which has the potential to be detrimental to highway safety. A particularly important consideration in this case as the application site is located very close to a primary school.

The loss of servicing facilities would also be contrary to paragraph 110d) of the Framework, which advises that development should allow for the efficient delivery of goods and access by service vehicles.

RDG12 requires parking not to be detrimental to visual or residential amenity. The proposed parking at the rear of the building would not be visible in the street scene therefore no objection is raised to parking in the area on the basis of visual amenity.

The proposed parking may generate additional comings and goings that would be audible within the proposed flats and the residential properties to the rear of the site in Swans Green Close. Disturbance from parking and vehicle-related activity has the potential to lead to loss of residential amenity, although in the case of a seven-space car park it is not considered that the level of disturbance would be so great as to cause undue loss of amenity. No objection is therefore raised to the proposal on the basis of RDG12.

Conclusion

The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking, means

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing is substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

The application site is not within or close to, nor does it consist of, an area or asset of particular importance (as listed at footnote 6). Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a benefit in terms of a boost to housing supply (of five net additional dwellings). However, it has also been identified as having a negative effect on its surroundings, due to the lack of space to its northern boundary, which would be at variance with the general character of buildings in the surrounding area, as well being a dominant feature for patrons of the adjoining pub garden. The loss of servicing provision for the ground floor commercial occupiers and lack of internal circulation and outdoor amenity space for future occupiers of the proposed flats together with inadequate levels of privacy for some of the occupiers of the development is a further identified shortcoming.

These objections are supported by guidance set out in Chapter 9 of the Framework, which is concerned with promoting sustainable transport, and Chapter 12 of the Framework, which is concerned with achieving well-designed places.

The boost to housing supply would have a very modest impact on the council's housing supply overall and therefore carries little weight in the overall planning balance. Any benefit of the additional housing is felt to be outweighed by the negative aspects of the proposed development when assessed against the Framework.

It is therefore recommended that the application be refused.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is Refusal for the following reasons

- 1 The proposal, due to a lack of space between its flank wall and northern boundary, fails to provide the building with a setting that would reflect other three storey developments in the area, to the detriment of the visual amenity and character of the area, contrary to Policy EC2 of the adopted Local Plan, RDG2 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.
- 2 The siting of the proposed three storey development adjacent to the northern boundary of the site would be a dominant and overbearing feature which would overshadow the adjoining pub garden to the detriment of the amenity of those patrons using the garden for outdoor drinking and dining contrary to RDG3 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.
- 3 The proposed residential accommodation (flats 4, 5 and 7) is not considered to offer a satisfactory amount of internal space and all flats with the exception of flat 7 are considered to lack adequate storage space when assessed against the Department for Communities and Local Government's Nationally Described Space Standard. The proposal is therefore contrary to best practice and as such is considered to offer poor quality accommodation contrary to RDG16 of the council's Residential Design Guidance and the high standard of residential development the National Planning Policy Framework seeks to achieve.
- 4 The proposal, by reason of the loss of any opportunity for off-street commercial servicing, is likely to lead to the unloading of goods on the highway in an area near a primary school to the detriment of pedestrian and highway safety, contrary to Policy S5 of the adopted Local Plan and government guidance in the National Planning Policy Framework.
- 5 The proposal, by reason of the internal layout and the relationship of bedroom windows balconies and access to the flats, would result in a lack of privacy for occupiers of flats 2, 3 and 6 contrary to RDG5 of the council's Residential Design Guidance and the high standard of amenity the National Planning Policy Framework seeks to achieve.
- 6 The proposed balconies to flats 2, 3 and 6 do not have a useable floor area of at least 5 square metres as required by RDG6 of the councils Residential Design Guidance and are therefore unlikely to provide sufficient outdoor amenity space to meet the needs of future occupiers contrary to government guidance in the National Planning Policy Framework, which states at paragraph 127(f) that decisions should ensure developments create places with a high standard of amenity for existing and future users.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 2

Application Number:	19/0776/FUL
Address:	Valdabre The Chase Thundersley Benfleet Essex (Cedar Hall Ward)
Description of Development:	Demolition of existing two-storey dwelling and construction of 3no. two-storey dwellings
Applicant:	Mr Mark Blackhall
Case Officer:	Mr Keith Zammit
Expiry Date:	10.01.2020

Summary

The application seeks permission for the redevelopment of a site containing one dwelling with three detached houses.

Within the context provided by the NPPF the proposal has been identified as potentially infill development which would be appropriate development in the Green Belt. Notwithstanding the merits of this argument a number of factors have been identified which, in combination, are considered to be of sufficient weight to amount to very special circumstances.

The proposal is fully compliant with the council's adopted residential design guidance and accordingly is recommended for APPROVAL.

The application is presented to the Committee as Councillor Mrs Wass is the landowner.

Site Visit

It is not considered necessary for members to visit the site prior to determination.

Introduction

The application relates to a roughly square site of 1500 square metres on the western corner of Wensley Road and The Chase. It has boundaries comprising a low brick wall and vegetation, with two vehicular access points to The Chase, and a pedestrian gate to Wensley Road, which does not appear to have seen recent use.

To the north of the site is Chase Nurseries, where there is permission for the redevelopment of the land for residential use. To the west is woodland, while to the south is a bungalow at 'Pentewan' and an electrical substation. To the east is new detached housing development on the south side of The Chase.

The Proposal

Permission is sought for the replacement of the existing dormer bungalow with three detached houses. Each would be four-bedroomed, externally finished in a mixture of brick and weatherboarding with a plain tiled roof to a height of 9.4m.

Two off-street parking spaces are proposed for each property, but no garage.

The proposed front boundary treatment is low hedging with close board fencing for the rear gardens. The rear gardens for the properties range from 150m² to 225m² in area.

A rainwater harvesting system is proposed for the new properties, with the stored water being suitable for use in non-potable applications and garden irrigation.

The site contains a number of trees which would be lost as part of the development but proposes replacement planting.

Supplementary Documentation

The application is accompanied by a design and access statement, planning statement, arboricultural impact assessment report and ecological impact assessment report, which are available to view on the council's website.

Planning History

There were various householder planning applications affecting the property from 1955 until 2004, none of which are of direct relevance to this proposal.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019):

Introduction and Achieving sustainable development

Paragraphs 2, 7-12

Decision making

Paragraph 47-48

Making effective use of land

Paragraphs 117-118

Achieving well-designed places

Paragraph 127

Proposals affecting the Green Belt

Paragraphs 133-134, 143-145

Habitats and biodiversity

Paragraphs 175-177

Promoting sustainable development

Paragraph 110

Castle Point Borough Council Adopted Local Plan 1998

This allocates the site for Green Belt purposes. Relevant Policies include:

EC2 – Design

EC13 – Protection of Wildlife and Their Habitats

EC22 – Retention of Trees, Woodland and Hedgerows

T7 – Unmade Roads

T8 – Parking Standards

Residential Design Guidance (2013)

RDG1 – Plot Size

RDG2 – Space Around Dwellings
RDG3 – Building Lines
RDG4 – Corner Plots
RDG5 – Privacy and Living Conditions
RDG6 – Amenity Space
RDG7 – Roof Development
RDG8 – Detailing
RDG9 – Energy & Water Efficiency & Renewable Energy
RDG10 – Enclosure and Boundary Treatment
RDG12 – Parking and Access
RDG16 – Liveable Homes

Consultation

Highways – Advises that the impact of the proposal is acceptable subject to conditions.

UK Power Networks – To be reported

Public Consultation

Neighbour notification, press and site notices – No representations received

Comments on Consultation Responses

None

Evaluation of Proposal

The application site is allocated for Green Belt purposes in the adopted Local Plan. The main issue with this application is therefore the principle of development.

The principle of development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 2 of the NPPF). The Development Plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 11 of the NPPF).

Footnote 6 to the NPPF identifies that land allocated for Green Belt purposes is an example where development should be restricted. The footnote does not however state that development in such areas is prohibited.

The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with this identifies the site as Green Belt.

Paragraph 133 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The first matter to determine in the consideration of this proposal is whether the proposed development represents inappropriate development.

Paragraph 145g identifies that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, then lists several exceptions. These include the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The applicant claims that the proposal satisfies this exception as it makes better use of previously developed land (page 16 of planning statement).

The second part of paragraph 145g) is not relevant because it relates to an identified affordable housing need.

The glossary to the Framework defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The footprint of the house and garage is previously developed land and amounts to some 250m². The site is 1500m² in area, so the existing development footprint occupies only 17% of the overall land.

The proposed dwellings on plots 1 and 2 are located on previously developed land as they are sited over the footprint of the existing property and garage. Plot 3 would be located in the garden of the existing dwelling and therefore would not be on previously developed land. Even if plot 3 was located on previously developed land the replacement of the existing dormer bungalow having a roof height of some 7.5m with three detached houses having heights of 9.4m would potentially have a greater impact on openness than the existing development.

The proposal, by virtue of plot 3 encroaching onto non-previously developed land, would also contribute, albeit incrementally, to the sprawl of the adjoining built-up area contrary to one of the five purposes of the Green Belt set out at paragraph 134 of the Framework.

The first part of paragraph 145g) also permits limited infilling however neither the Framework nor the development plan define what this might be. Officers consider infill development is something that should be generally regarded as the completion of an otherwise substantially built-up frontage of several dwellings that are visible within the street scene, by the filling of a narrow gap.

There is currently a dwelling on the land, and a row of detached houses to the east. To the west of this site is an area of trees. It has already been stated that plots 1 and 2 are sited in the

approximate position of the existing dwellinghouse and garage on the site. Plot 3, though not located on previously developed land, is sited in a gap between the existing dwelling and the development further east.

When the proposal is considered in the context of its impact north/south one can see that plot 3 is located between the development known as Pentewan and the recently approved redevelopment of Chase Nurseries.

The proposal would therefore arguably infill a present gap which is surrounded by existing and approved development.

Notwithstanding this possibility it is incumbent on the local planning authority to consider if there are any very special circumstances why this proposal might be approved.

Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very Special Circumstances

There is no statutory definition of the term 'very special circumstances' as the Courts have held that very special circumstances will be specific to the particular scheme under consideration. The courts have also held that very special circumstances do not have to be unique or incapable of frequent repetition but may be factors which in combination amount to very special circumstances.

The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Castle Point Borough Green Belt Review 2018

The application site is located within Green Belt Parcel 6 of this review, which covers the tract of land encircled by the urban settlement of Thundersley. Most of this parcel is located to the west of Rayleigh Road.

The land was assessed as providing a moderate contribution to the check of unrestricted sprawl of large built up areas, making no contribution to preventing neighbouring towns from merging into one another and only providing a minor contribution in safeguarding the countryside from encroachment.

From this assessment it is concluded that any harm identified to the openness of the Green Belt is likely to have less significant implications than other areas of Green Belt with a stronger performing function.

Emerging Local Plan Position

A revised New Local Plan was agreed at the meeting of Ordinary Council on 22nd October 2019 for consultation and submission purposes. The consultation exercise has now commenced and will end on Friday 14 February 2020.

This plan shows some 28ha of land off Kiln Road has been identified on the policies map (HO20) for residential purposes, to deliver up to 350 new homes by 2033. The identification of this land for

the provision of housing reflects the limited contribution it makes in terms of the purposes of the Green Belt set out at paragraph 134 of the Framework.

The application site is sited between this allocation and the residential development to its east and would not therefore retain its Green Belt allocation in any adopted plan.

However, the emerging Local Plan is at an early stage of development and it can therefore only carry very limited weight.

Chase Nurseries

This site is located opposite and due north of the current proposal and in 2018 planning permission was granted for the development of 11 detached dwellings (18/0382/OUT).

In November planning permission was then granted for the development of 19 detached dwellings (19/0549/FUL) subject to a S106 agreement to secure the provision of affordable housing.

Planning permission for the development of this land took place after the council's 2018 Green Belt Review was finalised. It is the view of officers that the granting of this consent is a material consideration which should be given significant weight as it would result in the application site being surrounded on three sides by housing.

Impact on wider views and openness

The meaning of openness is not defined by in the case of *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 it was held that a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these factors is how built up the Green Belt is now, how built up it would be if redevelopment occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.

In *Euro Garages Limited v Secretary of State for the Environment* [2018] EWHC 1753 it was concluded that is not sufficient to treat any change as having a greater impact on the openness of the Green Belt, it is the impact or harm of the changes, if any, that need to be considered.

Whilst the site is technically in the Green Belt the key issue that needs to be addressed is what harm the proposal would do to the openness of the Green Belt when viewed from beyond the confines of the application site.

From the south the proposal would be seen against the backdrop of the newly approved development at Chase Nurseries. From Chase Nurseries views of the Green Belt to the south are currently restricted by the existing application dwelling and residential development fronting Wensley Road. The proposal would not significantly affect this.

From the east the application dwelling already limits views of the Green Belt to the west and the proposed three dwellings are located across the plot in a similar alignment. It is worth noting that the proposed dwellings have reasonably deep rear gardens so the perception of openness when viewed from Wensley Road across the rear of the site would not be significantly diminished.

Design and layout

Policy EC2 of the Council's Local Plan seeks a high standard of design in all new buildings. This is consistent with the aims of paragraph 127 of the Framework.

The proposed dwellings are of a reasonable standard of design which reflect the scale and appearance of properties to the east of Wensley Road, so would appear as a continuation of the existing development of detached houses on the southern side of The Chase.

The proposed dwellings are fully consistent with the council's Residential Design guidance so there is no objection on the basis of Policy EC2.

There are no conflicts with the council's Residential Design Guidance.

Impact on ecology

The Council's Local Plan Policy EC13 states that the council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats. This is inconsistent with hierarchical approach set out at paragraph 175 of the Framework, which says if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application is accompanied by an ecological impact assessment.

The submitted ecology report identifies the site as being adjacent to a woodland, also mapped as Priority Habitat. No evidence of roosting bats (droppings, feeding remains, urine staining) was found but a small number of crevices were identified on the exterior beneath roofing tiles. It therefore recommends an ecologist is engaged to inspect the crevices with an endoscope prior to demolition.

If bats are identified, further surveys and a licence would be required to destroy the roost. Any mitigation required could be easily incorporated into the development design. The report also recommends the installation of 'wildlife friendly' external lighting.

Signs of badger activity such as the presence of sett holes, dung pits, latrines, snuffle holes, tracks, hair, prints and scratch marks were noted. A large main badger sett is known to exist in the meadow approximately 200 metres north-east of the site. However, there is no legal requirement to allow such opportunistic foraging to continue post development.

The submitted ecology report also states there are opportunities for bat boxes, both within existing trees and the fabric of the buildings, and goes on to say that the development should incorporate at least 5 generalist bird boxes and 2 sparrow terraces to compensate for the loss of existing bird boxes affixed to the southern boundary trees.

No other protected species have been identified on the site.

Subject to the application of suitably worded conditions to mitigate the potential impact of the development on wildlife no objection is raised to the proposal on the basis of harm to biodiversity.

Trees/landscaping

The Council's Local Plan Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Loss of existing tree cover and hedgerows shall be kept to a minimum. This policy is consistent with the Framework insofar as it reduces the ecological impact of development (paragraph 175) and it retains landscaping for the development (paragraph 127).

The application is accompanied by an arboricultural impact assessment report. This shows that a number of trees and hedges would need to be removed to facilitate the development. However, the report notes that replacement planting is proposed as part of the development, and overall it is considered that the scheme would provide a satisfactory standard of landscaping. Subject to a condition that the trees to be retained are protected in accordance with the tree protection measures contained within the arboricultural impact assessment report, and a condition requiring details of the proposed new tree planting, there is no objection to the proposal on the basis of Policy EC22.

Drainage

The Framework states on numerous occasions that development should not increase flood risk elsewhere. One way of contributing to this objective is the effective management of surface water in developments.

A rainwater harvesting system is proposed, with the stored water being suitable for use in non-potable applications and garden irrigation. This is an acceptable approach in principle, however, it needs to be determined where overflow water from the rainwater collection system would go. There is no indication of this in the submission.

The agent has advised officers that overflow tanks would be provided below the parking area to the front of the dwellings. However, the size of these has yet to be determined. This matter is a matter that can be dealt with by condition should the application be approved.

Parking implications

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a minimum of two off-street parking spaces for properties with two or more bedrooms. Such spaces should have dimensions of 2.9m by 5.5m.

This is consistent with paragraphs 105 and 106 of the Framework.

The proposed houses would not have garages but would have two parking spaces per property meeting the above dimensions. There is therefore no objection to the proposal on the basis of Policy T8.

Paragraph 110e) of the Framework states that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

On page 13 of the planning statement there is an indication of the developer's intent to provide charging points for electric vehicles. Subject to a condition requiring the provision of these for the occupiers of the dwellings, there is no objection to the proposal on this basis.

Other matters

Policy T7 of the Local Plan states that in all applications for the intensification of development served by unmade roads, the council will seek appropriate improvements to the highway. This is a matter not addressed in the Framework. However, at paragraph 110d) the Framework states that development should allow for the efficient delivery of goods, and access by service and emergency vehicles. Improving unmade roads where they serve new development would be consistent with this objective.

It should be noted that the developer of Chase Nurseries located opposite the site has already confirmed a willingness to enter into a S106 agreement to upgrade the entire site frontage, to secure an appropriate drained and finished surface, adequately robust to accommodate traffic routinely entering the site (including refuse vehicles) and appropriate segregated pedestrian access, and measures put in place for its subsequent maintenance.

It is therefore not considered necessary for any road improvements to be carried out prior to its construction.

Conclusion and planning balance

The application site is allocated for Green Belt purposes in the adopted Local Plan.

Residential development of this site would arguably amount to limited infill which would not have a greater impact on the openness of the Green Belt and fall within paragraph 145g) of the Framework.

Notwithstanding this observation officers have looked at whether there are any material considerations which may, either in isolation or combination, provide the 'very special circumstances' to outweigh the potential harm to the Green Belt.

As the proposal is for housing it would clearly make a contribution to meeting housing need in the borough, albeit a very minor one. However, government guidance is quite clear that in the Green Belt the lack of an adequate housing supply is not in itself sufficient to outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.

Nonetheless, a number of other factors have been identified which are also relevant to take into account. The proposed release of this land from the Green Belt is one such consideration, albeit little weight can be attributed to this at the present time.

Of far more significance is the permission granted for the development of Chase Nurseries. This must be afforded significant weight as the consequence of this permission is that the application site will in due course be surrounded on three sides by residential development. The corollary of this being that the application site no longer makes any meaningful contribution to the Green Belt in terms of paragraph 134 of the Framework. This is the case irrespective of whether Policy HO20 of the emerging Local Plan is retained, modified or removed following public consultation or at Examination in Public.

The absence of any actual harm to the openness of the Green Belt, subject to a margin of appreciation, is also a consideration which needs to be afforded some weight.

To conclude, officers are of the opinion that irrespective of whether the proposal amounts to limited infill there are a number of factors which in combination amount to the very special circumstances sufficient to outweigh any harm to the Green Belt and in the light of this it is not considered that a robust objection to the proposal may now be made on the basis of Green Belt policy.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 All access to the site for traffic related to the construction phase of the development shall be taken from The Chase via the A129 Rayleigh Road and not from Kenneth Road or Wensley Road.

Reason: In order to minimise the impact of the development on the condition of unmade roads in the area, in the interest of the amenity of occupiers of residential properties served by those unmade roads.

- 3 Prior to occupation of any approved dwelling, a scheme for the provision of sparrow terraces, bird and bat boxes, as indicated on page 30 of the Ecological Impact Assessment prepared by Hybrid Ecology Ltd, shall be submitted to and approved in writing by the local planning authority.

Reason: To compensate for the loss of trees that are of wildlife value in accordance with government guidance in the National Planning Policy Framework.

- 4 Such scheme of sparrow terraces, bird and bat boxes as is approved shall be implemented and installed prior to occupation of the development and thereafter retained.

Reason: To compensate for the loss of trees that are of wildlife value in accordance with government guidance in the National Planning Policy Framework.

- 5 Prior to any demolition work, the existing dwelling shall be subject to an endoscopic inspection of any gaps under missing/chipped roof tiles by a licensed bat ecologist in accordance with the recommendations of the Ecological Impact Assessment prepared by Hybrid Ecology Ltd and the results of that survey submitted to and approved in writing by the local planning authority.

Reason: To ensure that the demolition of the existing building does not disturb roosting bats.

- 6 If the inspection carried out confirms the presence of bats then development shall not commence until works to mitigate the impact of the proposal on bats have been carried out in accordance with a scheme which shall first be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the demolition of the existing building does not have an adverse impact on bats.

- 7 Prior to commencement of construction of the approved development, details or samples of all materials to be used on the external surfaces and on any driveway or forecourt shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity.

- 8 The development shall be constructed in accordance with the approved materials.

Reason: In the interest of visual amenity.

- 9 Prior to commencement of construction of the approved development, details of the surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority.

Reason: To prevent an increase in the risk of surface water flooding to this and adjacent sites.

- 10 The development shall be drained in accordance with the approved details.

Reason: To prevent an increase in the risk of surface water flooding to this and adjacent sites.

- 11 No dwelling shall be occupied until the approved off-street parking spaces serving it have provided, hard surfaced and drained. Thereafter, these spaces shall be kept available for the parking of vehicles and not used for any other purpose.

Reason: To avoid on-street parking in the interest of the free flow of traffic.

- 12 No dwelling shall be occupied until it has been provided with an electric vehicle charge point which, following its provision, shall be retained.

Reason: To make provision for the charging of electric vehicles in accordance with government guidance in the National Planning Policy Framework.

- 13 Any upper-floor windows in the side elevations of the dwellings shall be -

(i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

Reason: In order to prevent overlooking of adjacent residential properties and so as not to prejudice redevelopment of the adjoining site to the west.

- 14 Prior to commencement of development tree protection measures, as shown on the Tree Protection Plan (ref SHA 942 TPP) within the Arboricultural Impact Assessment Report by Sharon Hosegood Associates, shall be implemented and retained for the duration of development.

Reason: To prevent damage to the adjacent trees and their root systems, in the interest of the future health and amenity value of the trees.

- 15 Prior to occupation of any approved dwelling, a wildlife-sensitive external lighting scheme for the development, in accordance with the principles outlined on pages 28 and 29 of the Ecological Impact Assessment prepared by Hybrid Ecology Ltd, shall be submitted to and approved in writing by the local planning authority.

Reason: To minimise bat disturbance from external lighting.

- 16 The approved lighting shall be installed in accordance with the approved details prior to occupation of the development. No other external lighting shall be installed.

Reason: To minimise bat disturbance from external lighting.

- 17 A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

Reason: In order to provide an appropriate means of escape for any foraging badgers.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.