

# **HUTCHINSONS**

**APPEAL BY**

**LEGAL & GENERAL AFFORDABLE HOMES**

**LAND TO REAR OF 248 HART ROAD  
THUNDERSLEY**

**STATEMENT OF CASE**

**ON BEHALF OF  
CASTLE POINT BOROUGH COUNCIL**

**APPENDICES**

**LPA Ref: Ref: 21/1137/FUL  
PINs Ref: APP/M1520/W/22/3310483**

**February 2023**

**HUTCHINSONS**  
15 Castle Gardens, Kimbolton, Cambridgeshire. PE28 0JE

## **APPENDICES**

1. Appeal Decision and Location Plan – Land Rear of 301 Rayleigh Road, Thundersley  
Ref: APP/M1520/W/19/3240145.
2. LPA suggested conditions

## **APPENDIX 1**

Appeal Decision and Location Plan –  
Land Rear of 301 Rayleigh Road, Thundersley

Ref: APP/M1520/W/19/3240145

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## Appeal Decision

Site visit made on 21 July 2020

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2020**

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**Appeal Ref: APP/M1520/W/19/3240145**

**Land to the rear of 301 Rayleigh Road, Thundersley, Benfleet SS7 3XA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Millen of Millen Homes Ltd against the decision of Castle Point Borough Council.
  - The application Ref 19/0545/OUT, dated 24 July 2019, was refused by notice dated 25 September 2019.
  - The development proposed is 19 dwellings and new estate road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with all matters reserved other than for access and layout.
3. A pre-submission draft of the emerging Local Plan published in December 2019 identified the site as part of a wider strategic housing allocation. The draft Plan is still at an early stage in its development and there is no certainty that the allocation will be included, either as currently proposed or in some modified form. For that reason, I am unable to place any material weight on the emerging plan.

### Main Issues

4. The main issues are:
  - whether the proposal is inappropriate development in the Green Belt
  - the effect on openness of the Green Belt
  - whether the timing of the proposal is premature
  - the effect on badgers as a protected species
  - the effect on protected trees
  - the effect on the living conditions of future occupants in respect of garden space
  - the effect on the living conditions of neighbouring occupants in respect of noise and disturbance

- if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Inappropriate development*

5. The site lies within the Green Belt. In the Green Belt the construction of new buildings is regarded as inappropriate development other than for certain exceptions listed in paragraph 145 of the National Planning Policy Framework ('the Framework'). The proposed residential development does not fall within any of those exceptions.
6. The appellant has drawn attention to one of the listed exceptions<sup>1</sup>, relating to the provision of limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Policy H7 of the Castle Point Borough Council Local Plan ('the Local Plan') supports the provision of affordable housing in appropriate circumstances but does not specifically support affordable housing provision as an exception to other policies in the Plan, including the Green Belt. I consider that the exception listed in the Framework is therefore inapplicable in this case.
7. I do not consider the urban area of Thundersley to be a rural village for the purpose of considering rural exception site policy as set out in paragraphs 77-78 of the Framework. It is not identified as a rural village in the Local Plan, and its character is of a predominantly residential suburb rather than as a self-contained rural settlement.
8. I conclude that the development falls to be considered as inappropriate development in the Green Belt.

### *Openness*

9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In this case a development of 19 dwellings together with an access road and associated garaging and parking would significantly interrupt the openness of the site, which is undeveloped. The development would be seen from neighbouring dwellings, gardens and grazing land which surround the site. It would have both a spatial and visual impact on the openness of the site.
10. I conclude that the harm to the openness of the Green Belt would therefore be considerable.

### *Prematurity*

11. The Council has argued that the proposal is premature in advance of a new Local Plan being adopted. Paragraph 49 of the Framework advises that arguments on the grounds of prematurity are unlikely to justify a refusal of planning permission other than in limited circumstances where both the development is so substantial that to grant permission would undermine the plan-making process, and the emerging plan is at an advanced stage but not yet formally adopted.

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<sup>1</sup> National Planning Policy Framework paragraph 145 (f).

12. The emerging Local Plan is still at an early stage in its development, consultation on a pre-submission draft having finished in February 2020 with responses still being analysed. Paragraph 50 of the Framework advises that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. The emerging Local Plan has not reached that stage.
13. I conclude that dismissal of the appeal on the grounds of prematurity is not justified in this case, because the emerging Local Plan is not at an advanced stage, contrary to the advice in the Framework.

#### *Badgers*

14. The evidence before me on whether there are badgers present on or using the site is conflicted. On the one hand, a Preliminary Ecological Appraisal<sup>2</sup> found no active or inactive badger setts on the site, with no evidence of badger activity identified. On the other hand, the Essex Badger Protection Group considers that the evidence points overwhelmingly to there being badger setts on the site due to sightings by adjoining neighbours who see badgers entering and leaving the site on a daily basis.
15. The Preliminary Ecological Appraisal accepts that given the density of the vegetation in some areas, it was not possible to identify field signs nor identify whether active setts were present on the site. The Appraisal therefore acknowledges that it is possible that badgers may be present in the area, and advises a precautionary approach is appropriate.
16. In my view, having regard to the difficulties experienced in carrying out a comprehensive survey of the site because of its overgrown nature, and the sightings of badgers reported by neighbours, I cannot be sure that one or more badger setts are not present on the site or that it does not form an important part of their foraging area. If that is the case, development on the site would cause harm to a protected species. It is possible that if badgers were found to be present on the site, retention or removal of this protected species could be addressed through a license from Natural England but that has not been sought or obtained prior to this appeal.
17. In the absence of a more definitive investigation as to whether badgers are present on the appeal site, I conclude that the development is likely to have an adverse impact on badgers, which are a species afforded protection under the Protection of Badgers Act 1992, and would conflict with Policy EC13 of the Local Plan, which opposes development that would be prejudicial to the interests of wildlife.

#### *Protected trees*

18. The site contains a number of mature trees protected by a tree preservation order including a line of trees along the southern boundary, and three trees on the northern boundary. The appeal scheme has been designed to retain all the protected trees, subject to 'no dig' requirements in certain areas and suitable protection during construction.
19. The Council is concerned that there would be pressure from future occupants to remove or severely reduce the protected trees along the southern boundary of

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<sup>2</sup> Preliminary Ecological Appraisal, T4 Ecology Ltd, April 2019

the site. However, the nearest dwellings would be sited some 5-7m from the crowns; and importantly the trees would be outside the private garden areas of the dwellings, on land managed by an appointed management committee. I consider this degree of separation and form of management would reduce the likelihood of the trees being removed in the future.

20. Other non-protected trees and shrubs would be removed but these are of lesser public amenity value and their loss would not cause harm to the character or appearance of the area.
21. I conclude that subject to suitable protection and management measures as proposed in the Arboricultural Planning Report<sup>3</sup>, the development would not cause harm to the protected trees on the site, and therefore complies with Policy EC22 of the Local Plan, which seeks to retain existing trees, hedgerows and woods in new developments wherever possible.

#### *Living conditions of future occupants*

22. Policy H17 of the Local Plan and the Council's Residential Design Guide set out minimum requirements for private amenity space for new development. For individual dwellings, the requirements are based on the number of habitable rooms, with a minimum of 50m<sup>2</sup> of amenity space. For the purposes of the Design Guide amenity space is defined as garden area excluding parking and servicing areas.
23. Having regard to the layout plan and calculations included in the Council's report at least three of the garden areas for plots P6, P9 and P12 (the mid terraced units) fall below the minimum amenity standards as set out in the Residential Design Guide. The garden area for plot P7 is also below the minimum standard but it appears this is as the result of an error on the layout plan and could be easily corrected.
24. On those plots which do not have sufficient garden area the variance is not great (5-10m<sup>2</sup>) so it is possible that the layout could be amended to achieve these minimum amenity space requirements for all dwellings. However, I am required to consider the layout submitted as part of the appeal and based on that layout the scheme does not meet the required amenity space standards.
25. I conclude that due to the lack of garden space on plots P6, P9 and P12, the proposal would harm the living conditions of their future occupants thereby conflicting with Policy H17 of the Local Plan and the Residential Design Guide, which amongst other objectives require that amenity space should cater for all the outdoor needs of all occupiers.

#### *Living conditions of neighbouring occupants*

26. The new access would create a road in front of a pair of bungalows and the flank of another bungalow in Kingshawes. While this would result in traffic passing these properties where it does not at present, the relationship between the access road and these properties would not be unusual and is no different to that which may be found elsewhere on the same estate in terms of separation and layout. I consider the living conditions of their occupants would not be harmed by the proposed development.

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<sup>3</sup> Arboricultural Planning Report, Tracy Clarke Tree Consultancy, July 2019

27. The internal access road would pass along the flank of 20 Kingshawes and the rear gardens of some of the properties in Greenleas. In this case the amount of traffic using that road would be limited and there is a strip of land between the road and the rear boundaries of the neighbouring properties that could be landscaped to provide additional screening.
28. I conclude that the proposed development would not cause a level of noise or disturbance such as to materially harm the living conditions of neighbouring occupants, and would therefore comply with Policies EC2 and EC3 of the Local Plan, which seek a high standard of design and avoid development that would have a significant adverse effect on neighbouring residential amenity.

### **Other Considerations**

#### *Lack of housing supply*

29. The appellant reports that the Council currently only has a 1.1 year supply of housing, which is severely below the supply of housing land that the Council is expected to be able to demonstrate by national planning policy. Furthermore, previous attempts to increase housing supply through the Local Plan process have failed with draft plans having been withdrawn prior to adoption. The current iteration of the draft Local Plan is still at an early stage in its development.
30. The proposed development would provide an additional 19 residential units, which would help alleviate, albeit in a small way, the lack of housing supply in the Borough. This is a benefit on which I place some limited weight.

#### *Affordable housing*

31. The development would in principle also help meet a specific need for affordable housing in the Borough, the appellant having indicated that all 19 units would be delivered as affordable housing in partnership with a housing association. However, there is no legal agreement or unilateral undertaking submitted with the appeal that would secure this benefit as part of the current proposal, and this is not a matter that could be satisfactorily addressed through the imposition of a condition. For that reason, I only give limited weight to this particular benefit of the scheme.

#### *Habitats Regulations*

32. The appeal site lies within a zone of influence of European sites of ecological importance as defined in the emerging Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy. This strategy is designed to mitigate potential harm to sites along the Essex coast designated under the Habitats Regulations. The Council considers that the development is likely to have a significant effect on these designated sites and as such requires an appropriate assessment under the Habitats Regulations.
33. Although still in draft, the Mitigation Strategy provides such an appropriate assessment, agreed with Natural England, that for proposals of less than 100 dwellings that are not within or directly adjacent to a designated site, mitigation of the impact of the proposal can be secured through the provision of a financial contribution.



34. Were I minded to allow the appeal, this is a matter that would have required further investigation. However, given my decision there is no need to consider the implications upon the European sites any further because the scheme is unacceptable for other reasons.

### **Planning Balance**

35. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
36. The harm caused by the inappropriate nature of the development in the Green Belt attracts substantial weight. In addition, considerable harm would be caused to the openness of the Green Belt, and more limited harm would be caused to protected species and the living conditions of some future residents because of lack of garden space. These add weight to the harm already identified.
37. Balanced against that harm are the limited benefit of providing 19 additional residential dwellings to help meet the Borough's housing need, and the intention that they would all be affordable, for which there is also a need in the area.
38. I consider that the limited benefits offered by these other considerations do not clearly outweigh the substantial harm to the Green Belt and other issues identified above. Consequently, very special circumstances to justify the inappropriate nature of the development do not exist.
39. Because of the lack of a five year housing land supply, I consider the policies relating to housing provision in the Local Plan are out of date within the context of paragraph 11 of the Framework. In such circumstances, the Framework directs permission to be granted (the 'tilted balance') unless, amongst other criteria, policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.
40. Green Belt land is recognised as one such area of particular importance<sup>4</sup>. As I have concluded that the development is inappropriate within the Green Belt and that there are no very special circumstances to justify making an exception in this case, Green Belt policy as set out in paragraphs 133-147 of the Framework provides a clear reason for refusing the development. It follows that the 'tilted balance' in paragraph 11 of the Framework does not apply in this case.
41. The appeal must therefore fail.

### **Conclusion**

42. I conclude that the appeal is dismissed.

*Guy Davies*

INSPECTOR

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<sup>4</sup> National Planning Policy Framework, footnote 6.



**PROPOSED ZERO CARBON  
RESIDENTIAL DEVELOPMENT  
COMPRISING 19 DETACHED ECO  
DWELLINGS ON LAND TO THE  
REAR OF 301 RAYLEIGH ROAD,  
BENFLEET, ESSEX.**

PROPOSED LOCATION PLAN

**DATE:** JULY 2019  
**DWG No:** BRE/ECO/ 003  
**SHEET SIZE:** A1  
**SCALE:** 1:1250

**ANDREW KING AND ASSOCIATES  
15 THE MILL, TRING ROAD  
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## **APPENDIX 2**

Local Planning Authority suggested conditions

**Land rear of 248 Hart Road, Thundersley**

**PINs Ref: APP/M1520/W/22/3310483**

**Draft 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. The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

3. Prior to commencing any construction works on site, a Highways Condition Survey Report of the construction vehicle routes to and from the site to the A127 shall be undertaken. This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey shall be undertaken post construction to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-construction survey findings.

Any identified damage or defects shall be mitigated or improved to the standard identified at the pre-construction stage.

REASON: To ensure that any damage sustained to the highway network as a consequence of the approved development is fully remediated by the developer.

4. No works except demolition shall be begun on the excavation of the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority prior to excavation of the site.

Any works identified shall be undertaken in accordance with the approved details.

REASON: In order to ensure the preservation of the historic record if present on the site, in accordance with Policy EC38 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

5. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- ii. Limiting discharge rates to 2.9l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
- iii. Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- iv. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- v. Final modelling and calculations for all areas of the drainage system.
- vi. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- vii. Detailed engineering drawings of each component of the drainage scheme.
- viii. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- ix. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall be implemented prior to the occupation of any dwelling.

**REASON:**

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF.

- 6. No works except demolition shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

**REASON:** The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 7. Prior to the commencement of development, works identified within the submitted Invasive Species Management Plan dated 9th October 2020 (3545) shall be commenced to ensure the appropriate control and eradication of Himalayan Balsam and False Virginia Creeper on the site.

Notification of completion of such works shall be submitted to the Local Planning Authority within two years of their commencement.

**REASON:** In order to ensure the appropriate control and eradication of invasive species on the site.

8. Prior to the commencement of development, a Site Waste Management Plan (SWMP) detailing strategic forecasts in respect of expected waste arisings from demolition operations undertaken on site and the measures to be used to ensure that all waste arisings are appropriately reduced/recycled or diverted and legally disposed of, shall be submitted to and approved in writing by the Local Planning Authority. The approved SWMP shall be adhered to throughout the development.

REASON: In order to secure the efficient use of resources and the proper control of waste arising from the development of the site.

9. All appropriate access roads within the site shall be constructed in a manner suitable to accommodate the weight and turning manoeuvres of a 32 tonne refuse vehicle.

REASON: In order to ensure that an appropriate refuse collection service can be operated within the site.

10. Prior to occupation of any dwelling a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

11. Prior to the construction of any dwelling, full details of all energy and water efficiency measures to be incorporated within the development shall be submitted to, and approved in writing by the Local Planning Authority.

Any approved measures shall thereafter be installed into the dwellings and thereafter permanently retained as such.

REASON: In order to ensure the achievement of an energy and water efficient development on the site, in the interests of sustainability.

12. Prior to the construction of any dwelling, details or samples of all materials to be used on the external surfaces of the proposed development shall be submitted to, and formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

13. The proposed dwellings shall, as a minimum, meet the requirements of Part M4(2) of the Building Regulations 2010.

REASON: In order to ensure the provision of a range of dwellings capable of meeting the needs of a wide range of users including the elderly and mobility challenged.

14. Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan (Biodiversity) Reference: OS 2244-21 Doc 5 Rev A dated December 2021 and the Construction Environment Management Plan (Construction) Reference: 21255-002 dated December 2021.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

15. The proposed development shall be undertaken in accordance with the provisions of the submitted Arboricultural Impact Assessment (Reference: OS 2244-21 Doc 2 Rev A dated November 2021).

REASON: In the interests of the future health and amenity value of the trees/shrubs/hedges.

16. Prior to occupation of any dwelling, the access point at Hart Road shall provide a site access road at a minimum of 5.5m in width with 2m wide footways on either side as shown on AMA Drawing AMA/21255/SK001. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions, shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

17. Prior to first occupation of the 44th dwelling, all tree planting and landscaping works shall be carried out in accordance with the provisions of the Specification for Soft Landscape Works and 10 year Management Plan (Reference OS 2244-21 Doc 4 dated December 2021) from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

18. Prior to first occupation of the 44th dwelling, the proposed amenity areas shall be made available for use and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents.

19. Management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management plan (Reference: OS 2244-21-Doc 3 December 2021),.

REASON: In order to ensure the appropriate management of the open space areas within the site.

20. Prior to first occupation, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of any vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety

21. Prior to first occupation of each dwelling, the approved parking spaces shall be provided for that dwelling and made available for use.

REASON: To ensure adequate off-street parking provision to meet the needs of future occupiers.

22. Details of any external public lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Such approved lighting strategy shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land.

23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24. The proposed development shall not be occupied until such time as the visitor vehicle parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.



25. Prior to first occupation, each dwelling shall each be provided with the infrastructure necessary to facilitate the provision of electric vehicle charging points.

REASON: To facilitate the use of electric vehicles by occupiers of the development in the interest of sustainable transport.

26. Any tree, shrub or herbaceous plant contained within the approved landscaping scheme identified within document OS 2244-21-Doc 4 and drawing number OS2244-21.3 Rev B dated 03/12/2021, dying or being damaged, removed or becoming seriously diseased within 10 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicant's successor in title, as formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

27. Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on-site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

28. During the construction period any security fencing around the site must include appropriate gates to allow for the passage of wildlife such as badgers and hedgehogs.

REASON: In order to facilitate the movement of wildlife across the site.

29. Any garden fences or walls provide to demarcate the extent of private amenity areas within the scheme shall be provided prior to first occupation of the dwelling it serves and shall incorporate appropriate hedgehog gates. Such measures shall thereafter be permanently retained as such.

REASON: In order to facilitate the movement of wildlife across the site.

30. Any gates, walls or means of enclosure provided to the open land on the boundaries of the site shall incorporate the means to allow free access by badgers. Such measures shall be installed prior to first occupation of the development hereby approved and thereafter permanently retained as such.

REASON: To ensure that Badger corridors are maintained around the boundaries of the site, in the interests of maintaining the nature conservation value of the site.

31. Ecological management of the open spaces shall be undertaken in accordance with the provisions of the submitted Biodiversity Management Plan (Reference: OS 2244-21-Document 3 December 2021).

The Biodiversity Management Plan shall be reviewed on a ten yearly basis and any alterations to the management regime shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of securing appropriate ecological management of the site in perpetuity.

32. Any windows provided in a side elevation at first floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed to a height of 1.7m from the finished floor level of the area it serves. Such windows shall be installed and glazed prior to the first occupation of the building and shall thereafter be permanently retained as such.

REASON: In order to protect the privacy and amenity of adjoining residents.

33. There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

34. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: To ensure that the amenities of future occupiers are protected.

35. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

36. The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include six one day travel vouchers for bus travel approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.