

ITEM 6 – 23/00274/FUL – LAND OPPOSITE 92 – 102
WINDERMERE AVENUE, HULLBRIDGE

1 Amendments to Recommended Planning Conditions

1.1 Planning condition no. 2 is to be amended to remove reference to plans that had been listed as approved plans, but which are labelled illustrative. It is recommended that condition 2 read as follows.

2. The development shall be undertaken in strict accordance with the details of the approved plans referenced:

PA_01 Rev D - Site Layout Plan, DAP-1299-201-07 – Apartment Floor Plans, DAP-1299-202-07 – Apartment Elevations, DAP-1299-203-07 – House Type 01, DAP-1299-204-07 – House Type 02, DAP-1299-205-07 – House Type 03, DAP-1299-208-06 – Street Scene, DAP-1299-209 –01 Parking Plan, 203.08 (showing revised treatment of east elevation: Plot 4), LSDP 2010.01 Rev A Structural Landscaping Plan, PA_06 Rev D Boundary Plan.

REASON: To ensure that the development is undertaken in accordance with the approved plans as considered.

1.2 Planning condition no. 5 is to be amended to reference to read as follows.

5. Notwithstanding the details as shown on the approved plan reference LSDP 2010.01 Rev A Structural Landscaping Plan, within 6 months of the date of this grant of planning permission a management plan detailing the future maintenance of the planted boundaries along the sections of the western and eastern application site boundaries and the full extent of the northern site boundary (save for the approved vehicular access) as shown on the aforementioned plan shall be submitted and agreed in writing by the Local Planning Authority. The management plan shall include maintenance details relating to the sections of existing hedge to be retained and the new hedgerows to be planted and include the height at which the growth of the hedgerows along the boundaries will be maintained over the lifetime of the development (allowing for growing margin). The management of the hedgerows along the site boundaries shall be undertaken in accordance with the details as set out in the agreed 'Management Plan', in perpetuity.

REASON: To ensure that the retention and management of this hedge contributes to the development over the lifetime of its use in providing visual screening and a backdrop to the site the same time as promoting biodiversity in accordance with the principles embodied within the National Planning Policy Framework (July 2021) and the council's Local Development Framework Development Management Plan policies DM1 and DM25 and DM26.

1.3 Planning conditions no. 9, 10, 11 and 12 are recommended to read as follows:

9. Trees annotated as T2 and T3 on Phase 1 - Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23) shall be protected by tree protection barriers which shall remain in place as per the details provided in the aforementioned plan and AMS until ground works commence in the Root Protection Area (RPA) of T2 or T3. The tree protection barriers shall be moved to the positions as shown on Phase 2 – Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) dated 25.09.23) on commencement of ground works within the RPA of T2 or T3 and shall remain in place as per details of such in the AMS until completion of construction works at the site.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

10. The visitor parking spaces sited north of plots 01 – 04 and the driveway serving these spaces within the root protection area of trees annotated as T2 and T3 on the Phase 3 - Tree Protection Plan dated July 2023 (contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23), shall be constructed in accordance with details contained within sections 8 and 9 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23, respectively.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

11. Tree works are to be carried out in line with the arboricultural method statement (AMS) ref LS1843-01 dated 25.09.23 section 5 and section 8 bullet point 6 (soil air injection and application of the compost tea) and section 9 bullet point 5 (soil air injection and application of the compost tea).

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan

12. All ground works within the root protection areas of trees T2 and T3(as annotated as T2 and T3 on Phase 1 - Tree Protection Plan dated July 2023 - contained within the Arboricultural Method Statement (AMS) reference LS1843-01 dated 25.09.23) including but not limited to the use of the reduced dig construction method for the visitor spaces and driveway access to these, the carrying out of soil air injection and the application of compost tea, all tree crown and below ground tree works (root pruning), are to be supervised by a qualified Project Arboriculturist, the named details of which shall be submitted to the Local Planning Authority prior to any ground works commencing within the root protection areas of either T2 or T3. The Project Arboriculturist shall carry out monitoring site visits and supervise works in relation to the construction of hard surfaces with the root protection areas of T2 and T3 in accordance with the requirements and details set out in sections 2 to 4 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23. Photographs and a brief report of the monitoring site visits shall be submitted to the Local Planning Authority by the Project Arboriculturist on, or the day after, each visit.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

14. Surface water drainage infrastructure shall be installed on site in accordance with details approved pursuant to discharge of condition application 22/00450/DOC. The applicant or any successor in title must maintain yearly logs of maintenance to surface water drainage infrastructure on site in perpetuity, with maintenance carried out in accordance with the Maintenance Plan approved pursuant to discharge of condition application 22/00450/DOC. These logs must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure that appropriate SuDS are provided and maintained for the lifetime of the development so that they continue to function as intended to ensure mitigation against flood risk.

18. All hard landscaping (excluding that within the root protection area of trees T2 and T3 details of which are controlled by condition 10) including the surfacing of the shared surface drive, accesses, private drives and parking areas shall be fully constructed and completed in accordance with the details of surfacing material which shall have been submitted to and

agreed in writing by the Local Planning Authority, prior to the occupation of any dwellings to be served by such surfacing.

REASON: In the interests of visual amenity and pedestrian safety.

24. The vehicle parking spaces including the car ports shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing with the Local Planning Authority. At no time shall the car ports hereby approved be enclosed.

REASON: To ensure sufficient on-site parking provision is maintained and that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and DM8.

2 Additionally Recommended Planning Condition

2.1 The following condition is also recommended:

27. Prior to first occupation at the site, a report by the developers Project Arboriculturist (who carried out monitoring as required by condition 11) which evidences (including with photographs taken during site monitoring) that the construction of the hard surfaces within the root protection areas of T2 and T3 was carried out in accordance with the requirements of sections 8 and 9 of the Arboricultural Method Statement (AMS) ref LS1843-01 dated 25.09.23 including evidence that the soil air injection and application of the compost tea has been carried out, shall have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan and to ensure the mitigation (the application of compost tea) required as a result of the need to undertake intrusive ground works in the root protection areas, is carried out.

3 Submission of Updated Arboricultural Method Statement Dated 25 September 2023

It is noted that an updated version of the AMS was submitted on the 25.09.23. Relevant planning conditions have been updated on the addendum to reference this version as required.

4 Recommended Informative

The following informative is recommended:

It is noted that the trees T2 and T3 remain inaccurately plotted on plan reference DAP-1299-209-01. This plan remains listed as an approved plan under condition 2 and the plotting of the trees has no bearing on the ability of the development to be otherwise constructed in accordance with this plan which contains details of parking provision.

**ITEM 7 – 23/00358/FUL – LAND OPPOSITE SEARLES
YARD, TRENDERS AVENUE, RAYLEIGH**

1 Amendment to Condition 3 (Approved Plans)

- 1.1 The floor plan which had been received depicting the layout of the dayroom did not show the openings as per the existing building. An amended floor plan has now been submitted which shows the openings correctly. Condition 3 is recommended to be amended to allow for the substitution of this plan drawing no. 005 REV P03.

[3] The development hereby permitted shall be carried out in complete accordance with the following approved plans 001 REV P01; 002 REV P03; 003 REV P03; 005 REV P03.

2 Amendment to Condition 7 (Boundary Treatments)

- 2.1 Condition 7 shall be amended to reference the correct legislation Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as opposed to the referenced legislation of Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended). The amended wording of condition 7 would read as follows:

[7] Prior to the installation of any fencing, gates, walls or other means of enclosure, their appearance (including height, material and colour) shall be submitted to and agreed in writing by the local planning authority. Any means of enclosure as may be agreed by the local planning authority, shall be installed in complete accordance with those details agreed and maintained in perpetuity, unless otherwise agreed in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended) (including any Order revoking or re-enacting that Order, with or without modification) no gates, fences, walls or other means of enclosure shall be erected without the written agreement of the local planning authority.

3 Amendment to Condition 8 (Retention of Landscaping)

3.1 It is recommended that condition 8 (retention of landscaping) be amended to require the retention of the bund which runs along part of the western and southern boundaries. It is recommended that condition 8 be amended as follows:

[8] The existing trees, hedgerow and bund within the application site depicted between the points A, B, C, D, E and F on the approved drawing no. 003 REV P02, shall be retained and shall not be removed or otherwise reduced in height, without the prior written agreement of the local planning authority. Any tree or shrub removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within the lifetime of the development, shall be replaced by the applicant(s), with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

4 Additional Recommended Vehicle Size Condition

4.1 It is recommended that an additional condition be imposed which restricts the size of vehicles that would be permitted on the application site. This condition would read as follows.

[12] Save for one vehicle not exceeding 7.5 tonnes in weight, no vehicle over 3.5 tonnes in weight shall be stationed, parked, or stored on the site at any time. All vehicles, whether stationed, stored or parked at the site, shall be contained only to the hardstanding area of the site demarcated as 'existing hardstanding' and 'proposed loose bound permeable hardstanding' on drawing no. 003 REV P03 in perpetuity. No parking, stationing or storage of any vehicles shall take place on any other part of the site at any time.

5 Additional Recommended Site Plan Condition

5.1 An additional condition is recommended to control the siting of mobile homes and caravans at the site. This condition would read as follows:

[13] The two mobile homes and two touring caravans hereby approved shall be sited only on the areas of hardstanding as demarcated as 'existing hardstanding' and 'proposed loose bound permeable hardstanding' on drawing no. 003 REV P03 in perpetuity. No parking, stationing or storage of any mobile homes or caravans shall take place on any other part of the site at any time.

6 Impact on Listed Building

- 6.1 Following the item being presented at the August Development Committee, concerns were raised by a resident regarding the impact on the listed building, particularly that the vegetation which separates the site from the Grade II listed building is not evergreen.
- 6.2 The Council's Historic Buildings officer took the view that it was the combination of the separation and dense vegetation which resulted in their conclusion that the proposal would not have an impact on the listed building.
- 6.3 Albeit the vegetation may not be evergreen, the density of the vegetation remains relevant. During winter months, the hedgerow would be of such a depth that branches and stems/trunks would still block views of the application site from the Listed Building. The significant separation would still be relevant in this considered.
- 6.4 As such, no objection is still maintained with regard to the impact of the proposal on the listed building.

7 Additional Neighbour Representations and Officer Response

- 7.1 On Monday, 25 September, an additional representation was received by the residents of Trender Avenue. This response has been sent to all Members of the Development Committee and the material considerations that have been raised within this representation can be summarised and responded to as follows:

The failure of the Council to have an effective plan for travellers leads residents vulnerable to planning applications.

It is correct the Council's lack of delivery of their only Gypsy and Traveller allocation and a lack of alternative policy to deliver Gypsy and Traveller sites does mean that the district is more vulnerable to piecemeal applications. I do not agree that residents are vulnerable as this is typecasting the applicants.

The national planning policy for traveller sites makes it clear that planning on green belt is inappropriate and will cause harm.

Agreed. This is stated at paragraph 2.18 of the officer report.

National policy is not to grant permission because there is a defective local plan.

Correct, however, the exception to this (which applies here) is explained in paragraph 2.25 of the officer report.

The current site is not appropriate given the proximity to the settled community and the recognised prominent position on Trenders Avenue.

There is no planning policy which requires that gypsy and traveller sites must be located away from the settled community. In fact, the National Policy for Traveller Sites discusses how gypsy and traveller sites should be integrated with the settled community.

We do not believe that the applicant has demonstrated or evidenced very special circumstances to a degree that would clearly outweigh harm to the Green Belt and other harm.

The Best Interests of the Child is an applicable test here. Paragraph 16 of Policy E of the National Policy for Traveller Sites states that “subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt”. It is not the personal circumstances of the applicant which outweigh the harm. This policy identifies that the best interests of the child would outweigh the harm in its own right, which is the case for the application site in combination with the personal circumstances, lack of supply, local provision, and policy.

A balanced approach must be taken which considers harm to the Green Belt and any other harm that may not be directly related to the Green Belt i.e. overall amenity and character, proximity to the settled community etc. plus other policy considerations.

- *The residents have referred to case law on the matter which stated “All negative impacts of the proposed development and the effect that they may have on decisions in the context of the Green Belt, by virtue of being ‘any other harm’. By way of example, this might include minor increases in traffic movement, impacts to a heritage asset or increases in noise*

pollution.... an authority can consider the cumulative effect of individual impacts”.

This case law is referring to negative effects in the context of the Green Belt to be considered as “any other harm”. The neighbour representations have not identified other harm in the context of the Green Belt that has not been considered by paragraphs 2.20 and 2.21 of the officer report. Other considerations such as the proximity to the settled community are independent of the Green Belt harm and are to be considered on their own individual merit against the relevant policy.

We do not believe that enough consideration has been given to the Green Belt or either other harm or the cumulative effect of harm.

Officers have identified that the proposal would be inappropriate development in the Green Belt, that it would have a spatial and visual impact on openness and that it would not maintain the aims and purposes of the Green Belt. That has been given substantial weight. It is not clear how officers could have given greater weighting to the Green Belt harm.

Too much weigh has been given to personal circumstances and unmet need despite policy saying that neither of these are likely to outweigh harm to the Green Belt.

As above, Policy E of the National Planning for Policy Traveller Sites is clear that these factors would not on their own outweigh the harm to the Green Belt. The exception to this is the best interests of the child which is applicable to this application.

The development would not respect the interests of the local community. To approve would be contrary to the decision to grant permission for Heron Stream Place 09/00013/FUL.

The planning history of this other site is an important point to understand. An application was refused on the site (reference: 05/00105/FUL) for the developments impact on the Green Belt. This was appealed and the inspectorate dismissed the appeal, considering the development to have an impact on the Green Belt where there were no very special circumstances to outweigh the harm. A subsequent application was made (ref: 07/00312/FUL) which was recommended for refusal by officers on the same grounds. However, the development committee at the time overturned this decision and approved the application considering that the improvement to the amenity of the street scene was a very special circumstance.

This was not supported by the planning inspectorate in the appeal as amounting to a very special circumstance that clearly outweighed the harm but was considered as such by the Committee nonetheless.

A further application was made (reference: 09/00013/FUL) in which officers recommended the application for approval applying the same very special circumstances. As the committee had taken this view on the earlier 2007 application, officers had to support this view in the subsequent 2009 application as there was a fallback position in that the 2007 application could have been carried out were the 2009 application refused.

Therefore, it was not the view of either the planning officers or the inspectorate that this did amount to very special circumstances.

Nevertheless, it is not considered that the proposal currently before Members would have an impact upon the appearance of the street scene such that it would be contrary to this decision, as the appearance of Searles Yard (now Heron Stream Place) was far different in its appearance to the proposal.

Proximity to the settled community distinguishes this case from other cases as it is closer than in other cases.

There are a number of sites which share a similar relationship to the settled community. Furthermore, there is no policy requirement for gypsy and traveller sites to be located a set distance from the settled community, instead there is a requirement to integrate sites with the settled community.

The development would be out of character.

There are a number of sites along Trenders Avenue with mobile homes or rectangular ancillary outbuildings that would not differ largely in character. Further, the stable block would remain as the principal building which is in keeping with the appearance of the buildings of Heron Stream Place (i.e. pitched roof, black weatherboarding).

The trees, hedgerows and shrubs will lose leaves in the autumn and winter and will not offer the landscaping coverage suggested.

The vegetation would still remain dense. The point of this condition is not to hide the development but to integrate it within the street scene.

Trenders Avenue is a busy road. Additional traffic from touring caravans and larger vehicles will cause additional traffic and will increase risk.

The level of traffic associated with a residential use would not materially alter the traffic volume of Trenders Avenue. There are already existing businesses that use these roads with wide vehicles and there is nothing prohibiting existing residents from having large vehicles.

The touring caravans would only be used when the families would tour, which is typically during the summer months.

We have asked for evidence of gypsy status. No evidence of gypsy status has been provided.

Evidence has been provided to the planning officers who are content with the submitted information. It is not for residents to test this information but the planning officers.

It was the search of the applicant's deeds by the residents of Trenders Avenue which revealed that they are currently residing on an unlawful gypsy and traveller site.

We request conditions requiring the following; no further development rights, no commercial activity, no commercial plant or machinery, the applicant cannot store or have delivered building or other materials that will be used in their occupation on site, no vehicles heavier than 3.5 tonnes.

The majority of these conditions would not be reasonable to be imposed as they are not related to the current application. The application is for residential development not commercial development.

Were the applicant to use the site for commercial development, this would warrant the submission of a new application.

A condition relating to the size of vehicles allowed on the site has been recommended above.

Undue pressure on local infrastructure.

Given the scale of the development, this impact would be very limited and there is no factual evidence or quantitative data to support this statement.

Michelins Farm may still progress.

Officers have been informed by senior colleagues that the compulsory purchase of this site is not currently being progressed by the Council.

Condition 11 does not require foul drainage to be in place before caravans are moved onto site.

The first addendum (uploaded to the application on 23rd August 2023) has already spoken to this and recommended a timeframe of implementation.

The applicant has misled the application by listing a different owner on the original application form.

It is not clear from the representation how neighbours feel that this impacts the application. Whether the applicant owns the site or not does not impact the validity of their case and the neighbours' representation does not present an argument to the contrary.

ITEM 8 - 23/00497/FUL – LAND WEST SIDE JUNCTION OF MAGNOLIA ROAD AND LINCOLN ROAD, HAWKWELL

1 Neighbour Representation to Development Committee

- 1.1 Members will be familiar with the resident Ms Spellane of Doric Lodge who addressed the committee of 24 August 2023. Ms Spellane discussed her son's health issues which include mental and physical disabilities and the concern she had regarding the impact of the development upon her son. Ms Spellane raised particular concern with the anxiety and impact on the quality of life of her son from the presence of residential development in proximity to their home.
- 1.2 Following deferment of the item from the development committee of 24 August 2023 for a site visit, Ms Spellane requested Members to also visit Doric Lodge during this time.

2 Officer Response to Ms Spellane of Doric Lodge

- 2.1 Under the Equality Act 2010, the Public Sector Equality Duty (PSED) is a legal duty that makes sure public bodies take account of equality in their day to day work. The duty is to consider the impact of policies on people who share protected characteristics.
- 2.2 Section 149(1) of the Equality Act outlines the PSED and provides that a public authority must, in the exercises of its function, have due regard to the

need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [the Equality Act 2010];
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.3 Section 149(3) states that having regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2.4 In discharging the duty, “the duty is a duty to have due regard to the specified matters, not a duty to achieve a specific result. The duty is one of substance, not form, and the real issue is whether the relevant public authority has, in substance, had regard to the relevant matters, taking into account the nature of the decision and the public authority’s reasoning. The absence of a reference to the public sector equality duty will not, of itself, necessarily mean that the decision-maker failed to have regard to the relevant matters although it is good practice to make reference to the duty, and evidentially useful in demonstrating discharge of the duty”: (R. (on the application of Buckley) v Bath and North East Somerset Council [2018] EWHC 1551 (Admin) per Lewis J at [113]).

2.5 Officers acknowledge the concern that Ms Spellane has for her son’s health in this case and sympathise with her anxiety about changes to her son’s environment which could regress his health. Although persons with disabilities are required to be considered by the PSED, the needs of the Gypsy and Traveller community are also required to be considered under the PSED. As discussed above, there must be consideration of the impacts on all persons who share protected characteristics.

2.6 It is appreciated that there may be some impact on Ms Spellane’s son from the presence of development on the application site. The details of these concerns were provided by Ms Spellane as she addressed the committee on 24 August 2023 about her son’s condition. It is noted that Ms Spellane’s concerns relate to the potential for her son to regress which could be

triggered by many environmental scenarios that are outside the control of Ms Spellane's home. Additionally, there is a substantial distance of some 8.5m with the boundary with Doric Lodge and a further distance of some 16.8m with the dwelling of Doric Lodge. This boundary is screened by dense vegetation and trees which would be retained by the proposal. It is considered that these factors would further mitigate the impact of the development upon Ms Spellane's son.

- 2.7 Of note is that there is an existing residential dwelling to the north of Doric Lodge which is some 15m from the boundary. This would share a similar relationship to that between Doric Lodge and the application site. No substantive evidence has been provided which demonstrates that the application site is a fundamental factor in maintaining the health and well-being of Ms Spellane's son. It is understood that the Court of Protection were involved in the purchase of Doric Lodge for Ms Spellane's son, however, were the characteristics of the application site a fundamental factor in the decision to purchase Doric Lodge, it is unclear why steps would not have been taken to secure these characteristics in perpetuity. In any case, it is not considered that the proposed development would have a fundamentally different characteristic to the development which adjoins Doric Lodge at existing.
- 2.8 It is not the case that officers dispute there to be a potential impact upon Ms Spellane's son, however, these claims have not been substantiated and in this instance, there are mitigating considerations that would lessen the impact. On this basis, it is considered that the public authority has exercised its PSED under the Equalities Act 2010. An updated Equalities Impact Assessment has been appended.

3 Consultation Response from Essex County Council Highway Authority

- 3.1 Further to concern being raised regarding the potential impact upon highway safety, Essex County Council Highway Authority has provided comment on the application:

"I have reviewed the submitted information and have checked the collision data records. The proposal will utilise an existing access on Lincoln Road which is a private road. The junction from the main Rectory Road is existing and established and its widest part the bell mouth is over 18m wide. When emerging from the minor road onto the main section of road, the visibility to the east is in accordance with current highway standards and to the west the vehicle movements under the railway line are controlled by traffic lights and suitable visibility is also established. The publicly maintainable highway ends where the minor section of Rectory Road transitions into Magnolia Road. Beyond that second some Public Right of Way exist which are legally protected.

Collision data records have been checked for the last 5 years and there are no recorded incidents in the locality. Given the additional vehicle trips

expected to be generated by the proposals would be very limited, there is no basis for an objection to this application on highway grounds as detailed in the NPPF.”

- 3.2 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As detailed by the highway authority, there is no basis for an objection on highway grounds and therefore it would be unreasonable for the application to be refused on this basis and it is unlikely that such a reason would be sustained at appeal.

4 Amendment to Condition 8 (Boundary Treatments)

- 4.1 Condition 8 is recommended to be amended to reference the correct legislation Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as opposed to the referenced legislation of Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended). The amended wording of condition 8 would read as follows:

[8] Prior to the installation of the front access gate (as proposed by drawing No. 003 REV P02) and any other fencing, gates, walls or other means of enclosure, their appearance (including height, material and colour) shall be submitted to and agreed in writing by the local planning authority. The front access gate (along with any other agreed means of enclosure) shall be installed in complete accordance with those details agreed and maintained in perpetuity, unless otherwise agreed in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (including any Order revoking or re-enacting that Order, with or without modification) no gates, fences, walls or other means of enclosure shall be erected without the written agreement of the local planning authority.

5 Amendment to Condition 9 (Retained Landscaping)

- 5.1 It is recommended that an amendment to condition 9 is made for clarification on the areas of trees and hedgerows which are sought to be retained. Within the officer report condition 9 required the trees and hedgerows “between the points A to D” to be retained but to ensure complete clarification it is recommended the condition be amended to state “between the points A, B, C and D”.

[9] The existing trees and hedgerow within the application site depicted between the points A, B, C and D on the approved drawing No. 002 REV

P01, shall be retained and shall not be removed or otherwise reduced in height, without the prior written agreement of the local planning authority. Any tree or shrub removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within the lifetime of the development, shall be replaced by the applicant(s), with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

6 Additional Recommended Hardstanding Condition

6.1 Given the location of the site within an area at risk of surface water flooding, it is important the 'loose bound permeable hardstanding' as depicted on drawing no. 003 REV P02 be laid as permeable. As such, an additional condition is recommended to be imposed requiring the construction details and materials be submitted and agreed:

[20] Prior to construction of the hardstanding shown on drawing no. 003 REV P02, details of the permeable materials and construction method shall be submitted to and agreed in writing by the local planning authority. The hardstanding shall be constructed in complete accordance with those agreed details and maintained thereafter.

7 Additional Recommended Vehicle Size Condition

7.1 It is recommended that an additional condition be imposed which restricts the size of vehicles that would be permitted on the application site. This condition would read as follows:

[21] Save for one vehicle not exceeding 7.5 tonnes in weight, no vehicle over 3.5 tonnes in weight shall be stationed, parked or stored on the site at any time. All vehicle parking shall be contained to the hardstanding as demarcated as 'existing hardstanding' and 'proposed loose bound permeable hardstanding' on drawing no. 003 REV P02 in perpetuity. No parking, stationing or storage of any vehicles shall take place on any other part of the site at any time.

8 Additional Recommended Site Plan Condition

8.1 An additional condition is recommended to control the siting of mobile homes and caravans at the site. This condition would read as follows:

[22] The two mobile homes and two touring caravans hereby approved shall be sited only as shown on drawing no. 003 REV P02 and maintained sited in accordance with this plan in perpetuity. No parking, stationing or storage of any mobile homes or caravans shall take place on any other part of the site at any time.