

MEMBERS' BULLETIN



Thursday, 18 January 2024/Issue No. 2024/03

For enquiries regarding The Members Bulletin, please call 01268 207934
The Basildon Centre, St Martin's Square, Basildon, Essex SS14 1DL

MEETINGS LIST

**This is a list of meetings to be attended by Councillors.
Please note that meetings marked with an asterisk are
not open to the public.**

Week Commencing 22nd January 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 22	Staffing and General Purposes Committee	St. George's Suite	5.30pm
	Labour Group Meeting*	Labour Group Room	7.30pm
	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 23	Procurement Scrutiny Sub-Committee	St. George's Suite	7.00pm
Wed 24	Planning Committee	St. George's Suite	7.00pm
Thur 25	<i>Local Plan – All Member Briefing Session*</i>	<i>St. George's Suite</i>	<i>7.00pm</i>
Fri 26			

Week Commencing 29th January 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 29	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 30	Overview and Scrutiny Commission (FFP)	St. George's Suite	7.00pm
Wed 31	Audit & Risk Committee	St. George's Suite	7.00pm
Thur 01	Scrutiny Committee (Prosperity)	St. George's Suite	7.00pm
Fri 02			

Week Commencing 5th February 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 05	Labour Group Meeting*	Labour Group Room	7.30pm
	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 06	Scrutiny Committee (Place)	St. George's Suite	7.00pm
Wed 07	Planning Committee	St. George's Suite	7.00pm
Thur 08	Cabinet	St. George's Suite	7.00pm
Fri 09			

Week Commencing 12th February 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 12	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 13	Scrutiny Committee (People)	St. George's Suite	7.00pm
Wed 14	Joint Standards Committee	St. George's Suite	7.00pm
Thur 15			
Fri 16			

**(Please note that these lists are correct at the time of
being printed and do not take account of any**

subsequent changes to the diary.)

LOCAL COUNCIL MEETINGS

Here are the links to all local council meetings:

https://www.billericaytowncouncil.gov.uk/Schedule_of_Meetings_9828.aspx

<https://e-voice.org.uk/bgnb-parishcouncil>

http://www.greatbursteadsouthgreen-vc.gov.uk/Meetings_28861.aspx

<https://e-voice.org.uk/lbpc/>

<https://e-voice.org.uk/noakbridgepc/meetings/>

<https://ramsdenbellhouseparishcouncil.co.uk>

<https://www.ramsdencrayspc.org.uk/>

www.shotgatepc.org.uk

www.wickfordtowncouncil.gov.uk

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CIVIC EVENTS

Saturday 20th January	Opening Of Queen's Condolence Book	Wat Tyler, Green Centre
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MEMBER EVENTS

Saturday 20th January	Opening Of Queen's Condolence Book	Wat Tyler, Green Centre
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CABINET MEMBER DECISION RECORDS

Below is a list of CMDRs published this week

CMDR No.	CMDR Subject	Cabinet Member	Date Published
	None		

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GENERAL INFORMATION

ROADWORKS

For detailed information regarding Roadworks in your Ward, go to:-

www.roadworks.org

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BUS TIMETABLE CHANGES

For up to date information on changes to bus timetables within the Essex area, go to the link below and sign up to the Essex County Council's Transport and Travel Update Electronic Newsletter, which includes the contents of Bus Passenger News, as well as Travel News, Offers and other information.

<http://www.essexhighways.org/Transport-and-Roads/Getting-Around/Bus/Bus-timetable-changes.aspx>

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WARD RELATED INFORMATION

The following sections provide information on planning applications and other Ward specific information which will be of interest to Members in their community leadership role. Members are reminded that further details on planning applications can be viewed on the Public Access for Planning pages of the Council's web-site, <http://planning.basildon.gov.uk/PublicAccess>. This includes associated documents, case officer details and the expiry date for consultations. Any written comments submitted by Members in respect of specific applications will be taken into consideration as part of the decision making process.

All letters received in response to the Council's consultations on planning applications are available for viewing by Members by contacting the Planning Technical Support Team on 01268 207968 or 01268 208241.

LICENSING APPLICATIONS

None

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BILLERICAY EAST WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00035/FULL	56 Chestnut Avenue Billericay	Single storey front extension with flat canopy roof over and render to front elevation
24/00051/SCREEN	Land At Greens Farm Lane	EIA - Screening Opinion under Regulation 6 for Land East of Greens Farm Lane, Billericay.

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01342/TPOBAS	2 Chapel Mews Billericay	T4 (Oak) of TPO/10/03 Lateral reduction to crown of Oak tree up to 2m meters.	Application Permitted
23/01381/LDCP	11 Parklands Billericay	To establish the lawfulness of a proposed garage conversion.	Granted
23/01408/FULL	411 Outwood Common Road Billericay	Box dormer to rear	Granted
23/01430/FULL	11 West Croft Billericay	Single storey rear extension, two storey side extension and pitched roof added to front elevation	Granted
23/01431/FULL	9 West Croft Billericay	Proposed two storey side extension and	Granted

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
		single rear extension	
23/01438/FULL	Redwood House Potash Road	Single storey side and rear extensions	Granted
23/01476/FULL	157 Western Road Billericay	Front wall, piers, railings and gates	Granted

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BILLERICAY WEST WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00029/FULL	46 Cromwell Avenue Billericay	Single storey front and side extensions, plus extension to existing garage and canopy over window to front at ground floor

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01422/FULL	24 Cherry Gardens Billericay	Proposed single storey side and rear extensions	Granted
23/01429/LDCP	26 Upland Road Billericay	To establish the lawfulness of a proposed loft conversion with hip to gable roof extension, rear dormer, front rooflights and removal of chimney.	Granted
23/01439/FULL	16 Moat Edge Gardens Billericay	Single storey side extension & single storey rear extension	Granted

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BURSTEAD WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00005/FULL	5 St Agnes Road Billericay	First floor rear extension, insertion of rooflights and Juliet balcony
24/00038/FULL	13 Mill Road Billericay	Ground floor rear extension

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01265/COND	Wadhurst New Road	Application for approval of details reserved by condition 4 (Construction Method Statement), condition 10 (protection of retained trees), condition 11 (works affecting trees completion), condition 13 (Biodiversity Enhancement Strategy), and condition 14 (external lighting) of consent reference 20/01313/FULL (allowed on appeal APP/V1515/W/21/3281392).	Granted
23/01370/FULL	15 Leaway Billericay	Proposed part first floor and part two storey side extension and new porch extension to front	Granted
23/01372/COND	Oak Hill Farm Coxes Farm Road	Approval for details reserved by condition 6 (Remediation) of planning permission 22/00811/FULL	Granted
23/01527/TPOBAS	8 Weir Wynd Billericay	TPO/3/62 - (Cedar) Crown reduction upto metres Up to 2 metres vertical growth - 3 metres lateral growth. Crown thin by 10% and remove deadwood. Removal of overhang of ATC, and 16 and 18 School Road, Billericay	Application Permitted

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CROUCH WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00042/NMABAS	Adelaide Villas 1 Gardiners Lane North	To establish if a change to the exterior rendering on the property and the garage to brickwork can be considered as a non-material amendment to granted consent 20/00789/FULL.

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01221/LDCP	21 High Road North Laidon	To establish the lawfulness of a childminding facility.	Refused
23/01450/LDCP	The Ranch Church Lane	To establish the lawfulness of a proposed outbuilding and garage	Refused

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FRYERNS WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
23/01459/FULL	1 Fryerns Terrace Peterborough Way	Heat pump to be placed on rear of property.

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Planning Applications Decided:

None

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LAINDON PARK WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00026/FULL	The Four Seasons Victoria Road	New Ramps for Disabled Access to rear Garden and pathway to provide means of escape for wheelchair users.

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Planning Applications Decided:

None

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LANGDON HILLS WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01420/FULL	33 Vowler Road Langdon Hills	Proposed additional floor, side infill extension, amendments to existing front and rear fenestration and porch.	Granted

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LEE CHAPEL NORTH WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

None

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NETHERMAYNE

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00032/FULL	1 Lee Woottens Lane Kingswood	Two storey side extension
24/00034/FULL	4 Leysings Basildon	Extension to rear first floor dormer.

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Planning Applications Decided:

None

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PITSEA NORTH WEST WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01337/LDCP	60 Fyfields Pitsea	To establish the lawfulness of a proposed garage conversion into a habitable room	Granted

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PITSEA SOUTH EAST WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01142/FULL	Smilers Farm Pound Lane	Retrospective planning application for metal storage unit	Refused
23/01529/LDCP	25 Elmtree Road Vange	To establish the lawfulness of a proposed hip to gable loft conversion with rear box dormer and fenestration	Granted

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ST. MARTIN'S WARD

Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00024/FULL	8-14 East Walk	Change of Use from Retail (Class E) to public house/restaurant (Sui Generis/Class E); demolition of concrete canopy to East Walk; alterations to front and side ground floor fenestration and new proprietary external cladding system; installation of plant equipment.
24/00043/TPOBAS	24 Chittock Mead Basildon	T1 (Oak) of TPO/11/73 Crown Reduce by 3m in height, Crown Reduce lateral branches 3-4 m off neighbours property. Remove epicormic growth to 4m.

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Planning Applications Decided:

None

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VANGE WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01130/FULL	2 High Barrets Basildon	Demolition of two existing blocks (2-36 High Barrets) and erection of a new part three/part four/part five storey block of flats containing twenty-six units, with fifteen new associated parking spaces and new access onto Sandon Road, together with the provision of ten new parking bays and rearrangement of eight existing bays on land adjacent 1-11 High Barrets.	Granted
23/01281/FULL	Andover Villa Kirby Road	Single storey rear extension and change of use of single family dwelling house to House in Multiple Occupation (HMO) for 7 residents.	Refused

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WICKFORD CASTLEDON WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01552/SCREEN	Land Junction With Old Nevedon Road	EIA Screening Opinion Request for a new data centre, together with supporting infrastructure including substation, energy	Closed

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
		centre, security gatehouse, access road, car parking, cycle parking, service yard and loading facilities, hard and soft landscaping, internal and external plant, emergency back-up generators, fuel storage, creation of public open space, and associated works.	

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WICKFORD NORTH WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01426/LDCP	37A Seven Acres Wickford	To establish the lawfulness of a proposed single storey outbuilding to the rear of the garden	Granted

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WICKFORD PARK WARD

Planning Applications Submitted:

None

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Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01368/FULL	32 Maitland Road Wickford	Part single and part two storey side extension	Granted

LOCAL GOVERNMENT ASSOCIATION WEBSITE

Up to date information on Local Government issues can be found on the following websites:

Local Government Association - www.lga.gov.uk
Direct.gov.uk - what's new - www.direct.gov.uk

BASILDON BOROUGH COUNCIL WEBSITE

The Council's website address is: www.basildon.gov.uk

Councillor Call in form – Planning Committee

All call ins must be made within **28 days** from the date of validation of a planning application (as set out in the Member Bulletin).

I wish to call-in the following application for determination by the Planning Committee.

Application Number:	
Application Site Address:	

My reasons for requesting call-in are as follows. Please tick appropriate box(es):

Impact on neighbouring properties	
Impact on character of the street scene	
Residential amenity	
Car parking	
Highway issues	
Impact on trees and landscaping	
Impact on Listed Building/Conservation Area	
Other reasons (please specify below):	

Name:

Date:

This form should be emailed to the Development Team Manager charles.sweeny@basildon.gov.uk and to the Technical Support Team planning@basildon.gov.uk

If you have not received acknowledgement within 1 working day please contact the Technical Support Team at planning@basildon.gov.uk

OFFICIAL USE ONLY

Authorised: Yes [] No []

Signature of the Chairman of Committee.....

Date signed.....

In calling an application to the Planning Committee the Councillor is not pre-determining the planning application. Rather the Councillor is expressing a legitimate concern about an application and will reach a final conclusion, having considered all of the matters presented at the meeting and being genuinely open to persuasion on the merits of the application when a decision comes to be made by the Committee.

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Appeal Decision

Site visit made on 9 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/V1505/D/23/3322452

155 Noak Hill Road, Great Burstead, Billericay, Essex CM12 9UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Perfect against the decision of Basildon Borough Council.
 - The application Ref 23/00213/FULL, dated 13 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is a proposed single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed single storey rear extension at 155 Noak Hill Road, Great Burstead, Billericay, Essex CM12 9UJ in accordance with the terms of the application, Ref 23/00213/FULL, dated 13 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: R7-206 PL_001 and R7-206 PL_002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on openness of the Green Belt; and

- whether any 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 required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (BLP) defines the extent of the Green Belt. Policy BAS GB4 of the BLP states that dwellings in the Green Belt will be allowed to extend to 90 square metres or by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater. Whilst specifically restrictive in its assessment, the policy is nevertheless consistent with the Green Belt policies in the Framework insofar as it seeks to protect the openness of the Green Belt from inappropriate development which is disproportional.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at paragraph 154 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Both parties agree that the host property has been subject to several previous extensions, thus any additional development would be considered disproportionate and the exception under paragraph 154 c) would not be applicable.
6. Consequently, the proposal would constitute inappropriate development in the Green Belt, and conflict with the Framework and BLP Policies BAS GB1 and BAS GB4.

Openness

7. Paragraph 142 of the Framework 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 their permanence. Openness can be perceived spatially and visually.
8. In spatial terms, the appeal proposal would increase the footprint over that of the existing development, thus inevitably reducing the openness of the Green Belt by occupying part of the appeal site where no building exists. As such, the proposal would have an adverse impact on the openness of the Green Belt in spatial terms.
9. With regard to the visual aspect, given its set back nature in respect to the main street scene the host property and its curtilage have limited public views along Noak Hill Road. Views of the property are further restricted by an extensively green boundary consisting of well-established hedges and shrubs providing a good screen of the host property and the appeal proposal. The site itself also occupies a ribbon of residential development along this part of Noak Hill Road. The proposal would be located at the rear of the dwellinghouse, which would also obscure it from most public views. Therefore, I conclude in visual terms, that the appeal scheme would have no significant effect on the visual aspect of openness of the Green Belt.

10. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

Other considerations

11. The appellant refers to a fallback position and has presented a Prior Approval and Lawful Development Certificate (LDC)¹ for the erection of a single storey side and partially rear extension at the appeal site. The appellant highlights that the LDC scheme would have a larger combined footprint and volume than the appeal proposal. As such I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it could be implemented should planning permission for the appeal scheme be refused.
12. The fallback scheme would be sited on the side elevation and would be visible from the front of the host property occupying a relatively prominent position. Whilst I acknowledge that the appeal proposal would have an impact on the spatial aspect of openness of the Green Belt, as stated above, I have found the proposal would have no significant effect on the visual dimension. Furthermore, the proposed development would have a smaller footprint and volume than the LDC scheme and would occupy a more discreet rear location. I appreciate that the permitted side extension would provide only glimpse views from public vantage points, however in my view, the appeal proposal would have a reduced spatial and visual impact on Green Belt openness than the approved LDC scheme. For these reasons I apportion the fallback position considerable weight.
13. Whilst I acknowledge that the appeal scheme would add further bulk and mass to the already extended host dwelling, it would be less harmful to the openness of the Green Belt and to the character and appearance of the area. I therefore conclude that the effects of the fallback scheme would be more harmful than those of the appeal scheme.

Conditions

14. To meet legislative requirements, a condition is imposed to address the period for commencement. A condition is imposed to ensure that the development is carried out in accordance with the approved plans, in the interests of certainty. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Green Belt Balance and Conclusion

15. The proposal would result in inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a reduction in openness would also be harmful, even if to a limited extent. I am also required to give substantial weight to any harm to the Green Belt.
16. However, I give considerable weight to the potential fallback position which may be implemented. This would have a more harmful effect on openness than

¹ Basildon Borough Council Refs: 22/01638/PDPA and 22/01794/LDCP

the appeal scheme. As such, in this case I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

17. Although there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed. For the reasons above, I conclude that the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out above.

Robert Naylor

INSPECTOR



Appeal Decision

Site visit made on 15 January 2024

by **C Rafferty LLB (Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/V1505/D/23/3320724

**Broadview, Ramsden Park Road, Ramsden Bellhouse, Essex, Billericay
CM11 1NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Close against the decision of Basildon Borough Council.
 - The application Ref 23/00046/FULL, dated 11 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is a detached swimming pool.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

3. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - 2) the effect on the openness of the Green Belt; and
 - 3) whether any 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 proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The appeal site comprises a detached dwelling set within a sizeable plot with long, rear garden. While the garden currently features detached outbuildings, these are largely grouped towards the north of the garden in close proximity to the main dwelling. Coupled with the overall dimensions of the garden, this

ensures that the site remains a spacious plot that, even acknowledging the residential nature of the surrounds, provides a clear sense of openness in this location. The proposal seeks to erect a further detached, single storey outbuilding at the site.

5. The site is located in the Green Belt. While reference has been made to Policy BAS GB1 of the Basildon District Local Plan Saved Policies September 2007, this relates to Green Belt boundaries, an issue which is not in dispute in this case. Nevertheless the Framework is a material consideration, and states at paragraph 154 that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although this is subject to a number of exceptions, there is no suggestion before me that any of these are applicable in this case and, based on my observations, I have no reason to conclude otherwise.
6. Accordingly, as the construction of a new building within the Green Belt, the proposal would be inappropriate development. It would, by definition, be harmful to the Green Belt and should not be approved unless very special circumstances apply.

Impact on openness

7. The Framework 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 their permanence." It has been established that openness has both a spatial and visual aspect.
8. From both a spatial and visual perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing an outbuilding on a portion of the site that is currently free from permanent built development. Although close to the other outbuildings, it would bring the arrangement of permanent built form at the site further south, into a more notably open section. Even acknowledging its backland nature and the scale of the site, introduction of such permanent built form in this position would interrupt currently open views within the immediate vicinity. This would cause harm to the openness of the Green Belt from both a spatial and visual perspective.
9. I acknowledge the existence of a Lawful Development Certificate in respect of an outbuilding in the same position, and with the same design, as the proposal. However, on the evidence before me at its highest point this would be some 1.025m lower than the proposal. I note that the hipped roof design means that the additional height across the proposal would not always be to the same amount, and that the eaves height would remain unchanged. Nevertheless, the proposal would overall be of a greater height and bulk than the outbuilding that is the subject of this Lawful Development Certificate, thereby further disrupting the openness of the Green Belt and causing further harm in this regard from both a spatial and visual perspective.

Other Matters

10. The main parties agree that the proposal would not result in harm with regard to character and appearance, living conditions or highway safety. This represents a lack of harm, which is neutral in the planning balance.

11. The appellant suggests that the increased height is necessary to match the roof pitch of a current outbuilding at the site and to enable the same roof tiles to be placed on both outbuildings, creating an aesthetically pleasing and consistent design. While this represents a slight benefit of the scheme, it remains that the Lawful Development Certificate requires materials to be similar to those existing, such that even with a lower roof pitch the outbuilding that is subject to this certificate would not appear unduly out of place. Accordingly, this benefit carries little weight.
12. No objections to the proposal have been received from residents of surrounding properties or from the Environmental Health consultees. Nevertheless, it remains that the proposal would cause harm for the reasons outlined.

Whether Very Special Circumstances Exist

13. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively the other considerations advanced in support of the scheme, including the existence of the Lawful Development Certificate, attract limited weight and this is not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist and the proposal would fail to comply with the provisions of the Framework.

Conclusion

14. For the reasons given, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR

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Appeal Decision

Site visit made on 9 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/V1505/D/23/3322381

Kozecot, Southbourne Grove, Wickford, Essex SS12 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Durrant against the decision of Basildon Borough Council.
 - The application Ref 22/01006/FULL, dated 11 July 2022, was refused by notice dated 9 March 2023.
 - The development proposed is proposed raised roof with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed raised roof with rear dormer at Kozecot, Southbourne Grove, Wickford, Essex SS12 0JT in accordance with the terms of the application, Ref 22/01006/FULL, dated 11 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ADP435EP 02 Rev B and ADP435EP 03 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). Any references to the Framework hereafter in this decision are to the latest version.
3. The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.
4. The appeal site is located within the Green Belt. The Framework confirms that the Government attaches great importance to Green Belts. The identified 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 their permanence. The Council consider that the proposal would not represent a disproportionate addition to the host property nor compromise the openness of the Green Belt. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal is not inappropriate development in the Green Belt and does not conflict with policy as set out in the Framework on this matter.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

Character and Appearance

6. The appeal site is a detached chalet style bungalow located on a corner plot at the junction of Southbourne Grove and Branksome Avenue in Wickford. The surrounding area is relatively open with the appeal site forming part of a small, secluded cluster of development, consisting of mainly low-level detached properties located in spacious plots. There are several chalet style bungalow properties that have been extended to provide living accommodation in the roof space, however they retain the low building level and low-density character of this area.
7. The proposal seeks a modest increase to the ridge height of the subordinate integral double garage roof and provide a rear roof dormer. Whilst the proposal would create visual bulk at the roof level, there would be only minor alterations to the ridge height. Furthermore, given that the dormer would be positioned to the rear of the site it would limit public views to glimpse views, via Branksome Avenue only. Whilst providing additional accommodation in the roof space, the height, scale and visual impact of the proposal from the street scene would still resemble the lower level buildings in the area. Consequently, the proposal would be akin to the architectural form of the cluster of chalet style bungalows within the vicinity.
8. From my site observations there is a prevalence of other properties that have extended into the roof slope, most notably at Oak Cottage and Barholme on Branksome Avenue to the rear of the appeal site. Whilst these properties have created additional accommodation in the roof space, these additions are proportional to the main dwelling and still maintain the low building level and low-density feel to the character of the area. Given this treatment, the appeal proposal has been sympathetically designed to minimise its impact and would appear similar to others in the area. As a result, the appeal proposal would not seem jarring, appearing as a coherent built form in the vicinity.
9. Overall, I would conclude that the height and scale of the proposal would not harm the character and appearance of the host property or the immediate area. As such, the proposal would accord with the relevant provisions of Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007 which amongst other things, seeks to prevent alterations and extensions to residential development from harming the character of the surrounding area including the street scene. In this respect the proposal would also accord with the provisions of the Framework which amongst other things, also seeks to secure high quality design which protects local character.

Conditions

10. To meet legislative requirements, a condition is imposed to address the period for commencement. A condition is imposed to ensure that the development is carried out in accordance with the approved plans, in the interests of certainty. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Conclusion

11. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

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Appeal Decision

Site visit made on 9 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/V1505/W/23/3318671

Maisron, Eversley Road, Basildon SS13 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Shead against the decision of Basildon Borough Council.
 - The application Ref 22/01526/FULL, dated 25 October 2022, was refused by notice dated 3 January 2023.
 - The development proposed is the demolition of existing residential storage and construction of three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023 and accompanied by a written ministerial statement (WMS). Any references to the Framework hereafter in this decision are to the latest version. The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect on openness; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

- circumstances. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (BLP) defines the extent of the Green Belt.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. These exceptions include criterion d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and criterion g) limited infilling or the partial or complete redevelopment of previously developed land (PDL) providing it would not have a greater impact on the openness of the Green Belt than the existing development. I shall deal with these in turn.
 6. Planning permission¹ has been granted for the conversion of the residential storage outbuilding into a one bedroom bungalow. Following my site observations and from the evidence before me the permission has not been implemented, and it is unclear whether the building is currently in a residential use. Nevertheless, even if the new building was in the same use, the proposal would provide a footprint of approximately 154m² which is materially larger than the 59m² footprint of the existing building it would replace.
 7. For these reasons, I conclude that the appeal proposal would constitute a replacement dwelling that is materially larger than the one it replaces. It would therefore not meet the exception listed at paragraph 154 d) of the Framework. As such I will need to assess whether the proposal would involve the partial or complete redevelopment of PDL.
 8. I now refer to paragraph 154 g) of the Framework in respect to PDL. The Framework defines PDL, as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.
 9. From my site observations and from the evidence before me, the appeal site would be considered PDL given the presence of the existing building. The second limb of paragraph 154 g) requires any redevelopment of such land to not have a greater impact on openness than the existing development. The extent of the existing development consists of a relatively modest structure. Thus, the proposal for a chalet style dwellinghouse would provide a significant increase in the amount of development at the site, which would have an impact on the spatial and visual aspect of openness.
 10. As stated above, the proposal would introduce an increased footprint in terms of the built structure at the site. The scheme would provide a significantly larger quantum of built development than currently exists on site, and thus adversely impacts on the openness of the Green Belt in spatial terms.
 11. In regard to the visual aspect, the proposal would provide a development that would be prominent within the streetscene due to its relatively open location fronting the roadside. However, it is acknowledged that the proposal is located within an existing secluded cluster of development which includes several chalet style dwellinghouses. Nevertheless, this cluster of residential development contrasts with the much less developed open spaces to the north, east and west of the site. As such, I conclude in visual terms, it would have a limited effect on the visual aspect of openness of the Green Belt. Overall, I

¹ Basildon Borough Council Planning Ref: 21/00971/FULL

have found that there would be harm to both the spatial and the visual dimensions of the openness of the Green Belt.

12. Bringing these strands together, I find that the proposal does not meet the exception in Framework paragraph 154 d) or the exception in paragraph 154 g). The proposal is therefore inappropriate development in the Green Belt and would conflict with the aims and objectives of the Framework and Policy BAS GB1 of the BLP.

Other considerations

13. It is common ground between the parties that the Council does not currently have a deliverable 5-year housing land supply. The appeal scheme would provide a small development of a single dwelling that would make a modest contribution to the Council's housing undersupply, albeit more important given that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. As such, this attracts modest weight in favour of the development.
14. However, footnote 7 of Paragraph 11 of the Framework states that the presumption in favour of sustainable development is not engaged where policies in the Framework, that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. Footnote 7 sets out that these policies include those relating to land designated as Green Belt.
15. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, I am not required to apply the presumption in favour of sustainable development in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given modest weight.
16. The proposal would result in the provision of a well-designed and sufficiently sized unit. The proposal would also result in some small social and economic benefits, including the support future occupiers would give to local businesses and services. To these benefits I apportion modest weight given the limited scale and nature of the proposed development.
17. The approved scheme referenced above, represents a fallback position which is available and a material consideration in the assessment of the proposal, and I accept that there is a real possibility that it could be implemented should planning permission for the appeal scheme be refused. However, from the evidence before me this is a conversion of the existing building on site and differs from the appeal proposal in that it would not provide any increase in the quantum of development, thus would have negligible impacts on the openness of the Green Belt. Therefore, I consider that the approved planning permission would be demonstrably different to the appeal scheme and would not be as harmful to the Green Belt than the scheme before me, and therefore I have given it limited weight.
18. The appeal site falls within the Zone of Influence of European sites on the Essex coast. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) indicates that residential development in this location is likely to have significant effects on a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended, (the Habitats Regulations) through increased

recreational disturbance. Local Planning Authorities in Essex have developed a strategy to deliver the necessary mitigation to address such impacts which is to be funded through a tariff. The appellant has indicated that they are prepared to provide mitigation through a financial contribution toward the Essex Coast RAMS. However, I have no planning obligation before me.

19. The Habitats Regulations impose a duty on me, as the competent authority, to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal due to being inappropriate development in the Green Belt and harming its openness, I do not need to consider this matter further, as no significant likely effects on European Designated sites would arise from my decision.

Conclusion

20. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 153 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
21. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. As explained above I give modest and limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
23. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with Policy BAS GB1 of the BLP and the Framework and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR



Appeal Decision

Site visit made on 12 December 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/V1505/W/23/3318714

Riverside House, Lower Southend Road, Wickford, Essex SS11 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by London and County Investments Ltd against the decision of Basildon Borough Council.
- The application Ref 22/01492/PANT, dated 13 October 2022, was refused by notice dated 9 December 2022.
- The development proposed is prior approval to provide new self-contained flats on top of the terraced commercial building (Block 3).

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for new self-contained flats on top of the terraced commercial building (Block 3) at Riverside House, Lower Southend Road, Wickford, Essex SS11 8BB in accordance with the application 22/01492/PANT made on 13 October 2022 and the details submitted with it, including Drawing Nos. 001: Site Location Plan; 002: Existing Site Plan; 003: Existing Ground Floor Plan; 004: Existing First Floor Plan; 005: Existing Second Floor Plan; 006: Existing Third Floor Plan; 007: Existing Roof Plan; 200: Existing Front and Rear Elevations; 201: Existing Side Elevation; 202: Proposed Front and Rear Elevations; 203: Proposed Side Elevation; 100: Proposed Site Plan; 101: Proposed Ground Floor Plan; 102: Proposed First Floor Plan; 103: Proposed Second Floor Plan; 104: Proposed Third Floor Plan; 105: Proposed Fourth Floor Plan; and, 106: Proposed Roof Plan.
2. This approval is also subject to the standard conditions set out at paragraph AB.2 of Part 20 of the GPDO and the additional conditions set out in the attached Schedule.

Preliminary Matters

3. Article 3(1) and Schedule 2, Part 20, Class AB of the GPDO permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a terrace building in commercial or mixed use. Development is permitted under Class AB subject to the limitations set out in paragraph AB.1 and the conditions set out in paragraph AB.2, which require the developer before beginning the development to apply to the local planning authority for prior approval in

relation to a number of matters. The Council is content that the proposed development would meet all of the matters, other than that relating to the external appearance of the building. Based on the evidence before me, I have no reason to reach a contrary conclusion to the Council in relation to the other matters.

4. In refusing the application, the Council cites Saved Policy BAS BE12 of the Basildon District Local Plan Saved Policies September 2007, the Essex Design Guide, the National Planning Policy Framework (the Framework) and the National Model Design Code. The prior approval provisions do not require regard to be had to the development plan, the Framework or other guidance/documents. I have had regard to the development plan, Framework and other guidance/documents only insofar as they are material to matters relating to external appearance.
5. Since the Council issued its decision notice, the Framework has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issue

6. The main issue is whether prior approval should be granted, having regard to the external appearance of the building.

Reasons

7. This appeal relates to a 3 storey mid terrace property, which comprises of office space. The appeal property forms part of Riverside House, which is a 3 storey terrace, that consists of a number of blocks. Riverside House gradually increases in height away from the corner with Stilemans. The highest part of Riverside House has accommodation in the roofspace, which is served by dormer windows. Riverside House adjoins Riverside Court, which consists of 3 and 4 storey elements. As Riverside House and Riverside Court are adjoining properties, they are viewed in the street scene as one terrace, which does not have a consistent roof height.
8. The architecture in the locality is typically modern in character and comprises of a variety of architectural styles. The heights of buildings in the area also vary considerably, ranging from 1 to 7 storeys.
9. The proposal seeks to provide an additional storey on Block 3, which would provide 3 nos. 1 bedroom flats on the third floor and a 2 bedroom flat within the raised loft space. The principle of constructing up to an additional two storeys of dwellinghouses above the topmost storey of a terrace building in commercial or mixed use is established by the GPDO. The appellant advises that the proposed roof height would be 2.81 metres higher than the highest part of the existing roof of Block 3 and 2.29 metres higher than the highest part of Riverside House. The Council confirms that the appeal property would not exceed the height of the adjoining property at Riverside Court.
10. While the proposal would be taller than the adjacent parts of the terrace, it would not be significantly so. The height of the proposed development would be consistent with the height of Riverside Court. The proposal would also be

lower in height than the 7 storey apartment building, which is located on the opposite side of the road. The proposal would not appear unduly prominent in the locality where taller and bulkier buildings form part of the character of the area. As a result, the proposed upward extension would respect the prevailing height and form of neighbouring properties and the character and appearance of the area.

11. The proposal replicates the design of the existing building. The new floor would be constructed in line with the floors below. The external materials would also match those used on the existing building. The proposed half hipped roofs would harmonise with the existing terrace, where hipped roofs are present. Consequently, the proposal would assimilate well with the host building.
12. Dormer windows are present on the adjacent blocks. Smaller dormer windows have already been permitted on Block 3; however, these have not been implemented. Although the proposed dormers would be wider than the existing dormers on the terrace or that previously approved, they would still appear modest in relation to the size of the roof and enable a large proportion of the roof slope to remain visible. The size and spacing of the dormers reflect the size and spacing of the existing 2 pane windows on the lower part of the building. Consequently, the proposed dormers would not appear unduly prominent on the roof slope and would preserve the character and appearance of the host building and the area.
13. For the reasons given above, I conclude that the external appearance of the proposed development would assimilate appropriately with the host building and would be sympathetic to the local character of the area. As a result, I find that the details relating to the external appearance of the building are acceptable. The proposal therefore complies with condition AB.2.(1)(e) of Schedule 2, Part 20, Class AB of the GPDO.

Other Matters

14. The appeal site falls within the Zone of Influence for a number of European designated sites on the Essex Coast. The Council considers that the appeal proposal, in combination with other residential development within the Zone of Influence is likely to have a significant effect on these designated sites. In order to mitigate the impact of increased recreational pressure on European designated sites, the Council advise that a financial contribution is required in accordance with the Essex Coast Recreational Avoidance and Mitigation Strategy.
15. Article 3(1) of the GPDO grants planning permission for Schedule 2, Part 20 Class AB development subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Effectively, Article 3(1) provides a pre-commencement condition on all development that is permitted by the GPDO and is likely to have a significant effect on a European site. The proposed development cannot commence until the developer has received written approval from the local planning authority under Regulation 77. As a result, I am satisfied that this matter can be dealt with as part of any future Regulation 77 application.
16. The appeal site is accessible to local shops, services and public transport links. Consequently, future residents would not be dependent on a private motor vehicle to meet their day to day needs. While I note the Town Council's

comments in relation to parking provision, I find no reason to disagree with the local highway authority and Borough Council on this matter and consider the transport and highway impacts of the development would be acceptable.

Conditions

17. Planning permission granted for development under Article 3(1) and Schedule 2, Part 20, Class AB of the GPDO is subject to conditions set out in paragraph AB.2 of that Class. The conditions require completion of the development within 3 years, the submission of a report for the management of the construction of the development before development is commenced and notifying the local planning authority of the completion of the development as soon as reasonably practicable after completion.
18. The conditions also require that each new dwellinghouse remains as a dwellinghouse within the meaning of Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended). Furthermore, the conditions restrict windows in any wall or roof slope forming a side elevation of the building.
19. Paragraph B (17) of Schedule 2, Part 20 of the GPDO requires development to be carried out in accordance with the approved details. As a result, a plans condition is unnecessary. As details of external materials are specified on the plans, an external materials condition is not required.
20. Paragraph B (18) provides for additional conditions to be attached that are reasonably related to the subject matter of the prior approval. In order to mitigate the impact of noise from commercial premises on future occupants of the development, a condition relating to noise mitigation is required. A condition securing the implementation of the flood warning and evacuation plan which is detailed within the Phase 1 Flood Risk Assessment is also required, in order to mitigate the impact of flood risk on future residents.

Conclusion

21. For the reasons given above, the appeal should be allowed and prior approval should be granted.

A James

INSPECTOR

Schedule of additional conditions

- 1) Prior to the first occupation of the development hereby approved, details of noise mitigation measures, including the proposed mechanical ventilation system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, prior to the first occupation of the unit in which it relates and thereafter retained.
- 2) Prior to the first occupation of the development hereby approved, the Flood Warning and Evacuation Plan detailed in the Phase 1 Flood Risk Assessment dated August 2018 shall be implemented in full and retained for the lifetime of the development.

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