

## PLANNING APPLICATION REPORT a

Case Officer: Anna Henderson-Smith Parish: Tavistock Ward: Tavistock South East

Application No: 1919/19/VAR

Agent:  
Mr Edward Persse  
EJFP Planning Ltd  
49 Bannawell Street  
Tavistock  
PL19 0DP

Applicant:  
Mr Gray  
Unit 2 Pixon Court  
Tavistock  
PL19 9RL

Site Address: Land adjacent to Breckland, Down Road, Tavistock, Devon, PL19 9AG

Development: Variation of conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)



### Reason item is being put before Committee

*Cllrs Sellis and Spettigue:*

'Further to our discussion this morning re planning application 1919/19/var (Breckland) I would like to request that this application be called in to committee.

Material grounds being the concerns of over dominance for the residents of Deerleap.'

**Recommendation:** Delegate to Head of Development Management for conditional approval once acceptable S106 agreement securing the Tamar Valley EMS payment is completed.

**Conditions:** (list not in full)

Time limit to reflect original approved full permission 2138 timings, 3 yrs from 12/12/18

Adherence to plans

Removal of PD for additional extensions or windows in/off the NW elevations of either property

Dwarf wall re headlights to be erected in full prior to first occupation and retained as such

Tree protection plan prior to commencement (already on previously approved scheme)

Construction management plan

Addition of all conditions as per previous planning permission 2138

Tamar Valley EMS biodiversity unilateral undertaking (S106)

**Key issues for consideration:**

As the principle of two dwellings has been previously accepted here recently by officers and Members, the main issue for consideration is that of the altered access arrangement as proposed, and the alternative house design/position/size – particularly in relation to neighbour amenity.

**Site Description:**

The application site is a plot of land currently forming part of the extensive garden amenity area of the dwelling Breckland to the north-east, occupied by a stable and bordered by trees. The land is accessed via a private narrow single track lane from Down Road to the south. The site lies behind the dwellings fronting/ accessed directly off Down Road within the redeveloped grounds of the former Fallowfield (now occupied by two properties Penrith and The Bedfords).

To the east, across the shared access drive, set at a higher level is Dalfors, a dormer bungalow. To the north-west, set at a lower level are two storey modern dwellings within a cul-de-sac fronting Deer Leap.

In addition to Breckland, Dalfors and the proposed dwellings, the current access lane also serves two further dwellings Rising Hill and Oakleigh House.

The topography is sloping, stepping down south-east to north-west, towards the direction of the properties in Deer Leap.

The site is subject to a Tree Preservation Order (TPO), with trees principally located on or close to the site boundaries, with the central area being largely open, sloping grassland.

The wider area is characterised by large dwellings set within generous plots, with more recent modern development at higher densities, including at Deer Leap to the west/ north-west and the redeveloped Penrith/ The Bedfords plot immediately to the south. The later, more modern properties generally have, on average, smaller gardens, though many still have

relatively generously proportioned plots compared to some other parts of Tavistock. The character and quality of the area is good, characterised by the variety of dwellings and the wealth of trees, greenery and a feeling of openness.

The access drive serving the four existing properties has become narrow over the passage of time as the vegetation has matured such that it is now single vehicle width with no passing opportunities, having become overgrown until reaching the application site.

No Public Rights of Way (PRoW) are affected by the development. The site is within flood zone 1, at lowest risk of flooding and not within a critical drainage area.

There are no listed buildings within the vicinity of the site nor is it located in any protected landscape.

The Proposal:

The proposed application is looking to vary conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)

Permission is thus once again sought for the erection of two detached four-bedroom dwellings, together with off-street parking. In contrast to the previous approved scheme where an existing access was used for one property and another made for the other, the proposal now is for one single shared access for both properties.

The site has been subject to a considerable number of past applications (see planning history section of this report), most recently having obtained outline approval with all matters reserved for one dwelling and then later the 2138 full approval for 2 dwellings.

Following the original submission of amended plans on this current variation application, concerns were raised by officers about mass dominance on Deer Leap and windows in the facing elevation. There was also a concern about headlight shine and sweep towards the 1<sup>st</sup> floor of Deer Leap from the relocated drive. As such a second set of plans and consultation took place removing all windows from the NW elevations, moving one plot slightly away from the boundary (as far as the TPO root protection area would allow) and introducing a low wall between the properties to screen Deer Leap from headlights at night.

### **Consultations:**

County Highways Authority- no highway related comments to make/implications

Tree Officer- recommend approval of the revised layout subject to confirmation of an approved Tree Protection Plan, or submission of such for review

Town/Parish Council – Object -

- Significant change to the original planning approval:
- Concerns the proposed changes would dominate neighbouring properties in Deer Leap;
- Contrary to DEV 10 of the Joint Local Plan, in that housing developments should be designed to be integrated with the adjacent developments.

### **Representations:**

5 objections were received to the initial application. Revised plans were then submitted, with five representations received objecting to the amended scheme, along with one comment about the accessibility of some of the information online.

2 later additional objections were also then received.

The objections can be seen in full on the Council website, but the reasons for objecting can be summarised as follows:

Potential overlooking/overshadowing and loss of privacy to neighbouring dwellings in particular those on Deer Leap

Disturbance caused by construction process- noise, lights, disturbance

There have been previous refusals on the site and objections not taken into account

Impact on nature conservation and trees

Relocating plot 1 does not address previous concerns

Queries about labelling of sewer plans

Plans now appear to resemble previously refused scheme

Overdevelopment on an elevated site

Installation of chimneys contrary to low-carbon objectives

Not easy to read/interpret plans online, some documents appear to have been removed

The approved scheme should get on and be built rather than wasting time with amending it

Poor access to the site cannot cope with additional traffic

No area for storage of refuse for the properties

### **Relevant Planning History**

2138/18/FUL – erection of two dwellings – approved by planning committee – 12/11/18

2764/17/FUL - Application for the erection of 2 dwellings – withdrawn 17/8/17

4172/16/OPA - READVERTISEMENT (revised plans and information received). Outline application for the erection of one single dwelling with all matters reserved – Granted 21.6.2017

4250/16/OPA - Outline planning application with some matters reserved for the erection of 2 dwellings – Withdrawn

13282/2009/TAV - Application to carry out works under Tree Preservation Order for the crown lifting of 1 Blue Atlas Cedar and 1 Deodar Cedar, the removal of 1 Rowan, the reduction and thinning of 1 Willow and the removal of 2 Hollies at Breckland – Conditional Approval

12305/2008/TAV - Erection of 2 dwellings - Conditional Approval (Outline with all matters reserved)

6851/2004/TAV - Renewal of planning permission for the erection of a dwelling - Conditional Approval

2503/2002/TAV - Renewal of Planning Permission 1400/98/8141/03 for erection of dwelling - Conditional Approval

RN/3/50/1400/1998/Unknown - Renewal of permission 8141/002 for erection of one house - Conditional Approval

RN/1998/8141/008 - Renewal of permission for erection of one house – Conditional Approval

RN/3/50/1363/1995/Unknown - Renewal of outline permission RN.3.50/1439/92/8141/1 for erection of one dwelling - Conditional Approval

RN/3/50/1439/1992/Unknown - Renewal of outline permission for erection of one dwellinghouse - Conditional Approval

RN/1992/8141/01 Renewal of outline permission for erection of one dwelling house Conditional Approval

8141/0 Provision of one building plot Conditional Approval 12.1.1990

Tree preservation Order (TPO) S251 dated 30.6.1988

## **ANALYSIS**

Principle of Development/Sustainability:

The starting point for consideration is the development plan and the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with the Development Plan to be acceptable in principle.

The principle of developing the site for residential use has been accepted historically under a number of previous planning applications, with a series of planning approvals dating back at least to 1990. However, none were implemented and all previous permissions had expired until June 2017 when outline approval with all matters reserved was granted for the erection of a single dwelling (Ref: 4172/16/OPA Granted 21.6.2017). Following this, as set out above, a full permission for two dwellings was approved in December 2018

As above this application does not seek to re-open the principle of the development, merely the design details. The permission from 2018 is extant and the adoption of the JLP does not alter that the principle of 2 dwellings in this location is considered acceptable as the scheme remains in compliance with relevant policies such as SPT1 and TTV11

Landscape:

The land falls within the Main towns/villages landscape character type (LCT). The scheme remains compliant with the newly adopted JLP landscape policy Policy DEV23 Landscape Character. The alterations to the landscaping sought by this application are to accommodate the shared access. Previously sought landscape conditions will remain in place on any approval to ensure a good on-site landscape strategy and treatment of the access point finish.

## Trees:

As the site is bounded by several group TPOs, it is important to assess that the application site can continue to accommodate the two dwellings as now proposed without undue detriment to the trees adjacent to the site.

A number of objections reference the loss of some of the trees. A tree survey was previously submitted and a site meeting taken place between the agent, WDBC tree specialist and planning officer. Relocation of the units further away from Deer Leap was discussed in relation to the TPOs, their crowns and roots and as a result the plots have been located as far to the South as possible without interfering with the southern TPO grouping. The Tree Specialist is content with the location as now submitted but could not support the eastern plot moving any further to the south. As such there remains no objection to the scheme subject to conditions with regards to trees.

## Design:

There are some aesthetic design changes proposed to the external facades and their treatments, plus window styles etc, however the overall design is not significantly different to that approved in that they remain 2 storey dormer properties with split levels, the main exterior materials are the same with natural slate roofing, render and stone but now with some weather-boarding introduced. There is no rigid design style in this location and overall the designs in themselves are considered acceptable in this area and secluded location.

The units are relocated on the site, with both being slid towards the NW boundary in order to accommodate integral garages which the approved schemes did not include. This has moved the back corner of plot 2 closer to the rear boundary slightly, but has moved the NW elevation of plot 1 towards the NW by in the region of 3 metres closer to accommodate the garage width.

The ridge heights remain very similar to that approved, with plot 1 proposed to go from 150.48 down to 150.04 (-44cm) but plot 2 rising slightly from 148.78 to 149.24 (+46cm).

The approved scheme utilised an existing access for one property and created a new access of 4m wide for the other, however this new proposed arrangement has a shared single access of 9005mm so the hedge loss is in the region of 1m greater than previously approved but in a single opening.

PD rights would still need to be removed to protect root protection areas, and to ensure no extensions or additional apertures were added to the NW elevations towards Deer Leap.

Overall though these properties are considered to still be acceptable in design terms and detailed landscaping design, access finish (where the punch is occurring in the bank) can be secured by condition and as such the scheme is still considered to be in accordance with policy DEV28, DEV23, DEV10 and DEV20 bearing in mind the fall-back position of an extant approval.

## Neighbour Amenity:

This is one of the key consideration of this proposed variation. It is the subject of much of the previous revisions to previous schemes and was considered in detail during the consideration

of the last approval. Objections have again been raised on this current variation similar to those raised previously regarding proximity, overshadowing overlooking and overdominance.

For completeness, the full section on amenity from the previous approval is inserted below:

*'The amenity of neighbouring occupiers has been at the forefront of discussions and negotiations. The impacts on the amenities of surrounding occupiers is considered in detail below. The concerns of objectors are available to view in full on the website and summarised under the representations section above. Around 30 submissions and sketches have been received from the occupiers of 11 different nearby properties.*

*In seeking approval for a two storey development, past schemes were considered likely to adversely impact on the amenities on neighbouring residents, notably those at a lower level in Deer Leap to the west, the closest and potentially most affected being 12 Deer Leap, and were not supported as resulting in an unneighbourly development. Significant concerns were raised by neighbouring residents in relation to overlooking, loss of privacy and increased sense of enclosure among other concerns, which were justified. These neighbour concerns and objections remain in relation to the submitted scheme as revised.*

*Overlooking and the perception of overlooking, loss of privacy, increased sense of enclosure and overshadowing/ loss of daylight are all considerations and a scheme on this land has the potential to seriously impact on the living conditions of neighbouring occupiers, notably, but not exclusively to the west and south.*

*Neighbourliness is a reasonable yardstick by which to judge development. It is fully appreciated that this is subjective. It is clear from representations, including the sketch perspective submitted (not verified for accuracy), that neighbouring occupiers are concerned at perceived impacts. Impacts can though be more accurately gauged from the submitted scaled plans, elevations and sections.*

*It is a factor of the way the land is sloping that the closer the development is towards Deer Leap, the lower it would be, the further from it, the higher it would be. It is considered preferable to set the development as far from Deer Leap as reasonably practical, notwithstanding that this means it is higher up the slope/ ridges will be higher.*

*Because of how close 12 Deer Leap (to north-west) and The Bedfords (to the south) are to the site boundary, they effectively borrow to an extent for their amenity from across the application site. This should be factored into considerations and should not sterilise the site.*

*The proposed dwellings have been set away from boundary trees and from neighbouring dwellings as far as practical while maintaining a reasonable front to front separation distance.*

#### Deer Leap

*The buildings are now set end on towards the lower properties in Deer Leap, over 23m away (building plot 2 to no. 12) at the closest point. The dwellings have been re-designed to be lower where they are closest to Deer Leap, stepping up further up the site towards the east.*

*The eaves of plot 2 [closest to 12 Deer Leap] is only circa 3.6m above existing ground level, with a door (with no window) serving a utility room on the ground floor and a small velux window serving a bathroom, set in the roof slope at first floor, facing towards no. 12. No overlooking of Deer leap would occur.*



*The building rises higher further away from no. 12 such that at its highest point, at its closest position to no. 12, the ridge is 6.5m [ridge level 148.78] above existing ground level at a point nearly 28m away from the rear of no.12. The ridge of plot 2 is 5.43m higher than that of no. 12. This is achieved through having rooms set in the roof space.*

*Impacts between plot 1 and no. 11 Deer Leap are less than between plot 2 and no. 12. Despite having a higher ridge, plot 1 is further from no. 11, 29m at the closest point.*

*It is fully appreciated that the building will be visible and prominent in circumstances where there is currently no development, when viewed from the upper floor windows at the rear of Deer Leap in particular. However, as mentioned previously, Deer Leap dwellings borrow to an extent for their outlook and views across this land. By turning the buildings to face end-on towards Deer Leap, impacts are reduced and further minimised by avoiding windows to habitable accommodation and by stepping the levels/ roofline down. Impacts do not amount to a substantial level of harm and the development as re-designed is not considered to be unduly unneighbourly. Views are also filtered through the intervening trees on the boundary.*

*Notwithstanding the proposed planting on the Deer Leap boundary, residents do not want more high vegetation which would further overshadow this boundary and it is recommended that landscaping and the height at which new boundary planting will be maintained in perpetuity be conditioned.*

#### The Bedfords

*To the south the existing living accommodation at The Bedfords is set particularly close to the boundary and borrows to a much greater extent for part of its amenity from across the application site. There also appears to be living accommodation as part of the detached garage close to the site boundary. A semi-mature Beech tree on the boundary very close to the neighbouring development has been taken into account in re-siting plot 2 further away from the root protection area of this tree. Plot 2 is over 8m from this southern boundary at its nearest point, then angling further away. The Bedfords has been built 4m from the boundary at its nearest point. There is some 11m between the buildings at their closest point, but the properties are set obliquely such that direct overlooking between dwellings is avoided. Also being to the south, no daylighting or overshadowing issues arise. First floor rooms closest to this southern boundary are set within the roof, keeping impacts down.*

#### Dalfors

*Dalfors is 16m away from plot 1 at the nearest point, but set on higher ground, with intervening screening. No undue impacts on the amenities of the occupiers of Dalfors are considered to arise.*

#### Breckland

*Breckland, currently unoccupied, is 25m from plot 1 on a comparable level and with intervening screening. While presently unoccupied, no undue impacts on the amenities of the future occupiers of Breckland are considered to arise.*

*In summary, impacts are not excessive or in any way unusual on land with this topographical profile and impacts on outlook will result but not be unduly harmful.*

*While the loss of a private view has been held not to be a material planning consideration, loss of outlook is an amenity issue. Overlooking, loss of privacy and outlook issues have been resolved through siting and orientation, with direct overlooking avoided and intervening*



*distances maximised such that the proposal is not considered to result in an unneighbourly form of development.*

*Boundary planting should be addressed by condition so that the boundary with Deer Leap in particular is treated sensitively to avoid undue impacts from overshadowing and enclosure in particular.*

*Vehicle noise is potentially an issue in this backland location. The scheme, unlike others, has two accesses and makes proper provision for parking and within the site and reversing onto the private access drive, without requiring excessive manoeuvring and any additional noise would not amount to undue harm*

*On balance, it is considered possible in principle to develop the site in a way which is not unneighbourly and that this scheme achieves an acceptable balance between achieving sustainable development and neighbourliness, accounting for the element of borrowed amenity.*

*Due to the narrow access and backland nature of the site, the close proximity of neighbouring occupiers together with the site constraints as a result of levels and tree root protection areas, a CEMP is recommended as necessary, to be secured by condition.*

*Having regard to the amenities of future occupiers of the proposed properties, internally a good standard of accommodation is proposed. Externally, gardens are large. Though sloping and with overshadowing from boundary trees, nevertheless a good standard of external amenity is still afforded to future occupiers. The front to front distance between the proposed dwellings, 10m at the closest point, widening to 15m, are no less than in many front to front circumstances, in no way unusual and there is the benefit of the extra privacy of not having a street frontage and public views. In the circumstances a good and acceptable standard of amenity is afforded to future occupiers.'*

As such then the only issue open for consideration here is whether the amendments sought vary the relationship of the approved units with the neighbours in such a way as to now render them unacceptable in amenity terms.

As set out above, the units are proposed to be relocated on the site, with both being slid towards the NW boundary in order to accommodate integral garages which the approved schemes did not include. This has moved the back corner of plot 2 closer to the rear boundary slightly, but has moved the NW elevation of plot 1 towards the NW by in the region of 3 metres closer to accommodate the garage width.

The ridge heights remain very similar to that approved, with plot 1 proposed to go from 150.48 down to 150.04 (-44cm) but plot 2 rising slightly from 148.78 to 149.24 (+46cm).

During the course of this proposal windows were removed from the NW elevations and a projection on the northern end of plot 2 was half hipped in order to reduce the mass closest to the neighbours to the NW. following this, the change in location and design of plot 2 in relation to the neighbouring properties to the NW and SW is considered to be negligible and thus acceptable. The property is 11m from the boundary and would be 26.4 m wall to wall.

In relation to plot 1, the ridge is reduced slightly from that previously approved, but the unit moves around 3m closer to the rear boundary . The two properties remain gable-on to the Deer Leap properties, offering them their slimmest elevation and thus reducing the impact as

much as possible. Although it was the location of plot one as far away from the boundary with Deer Leap which previously led to its support (as set out above) the pertinent question here is whether this relocation 3 m closer is substantial enough and has such a detrimental effect upon neighbour amenity as to withhold permission. Privacy is not unduly affected as the gable has no windows and PD will be removed for extension or apertures. This is little altered from the previous approval. Despite the 3m move, the gable of plot 1 is 13.5 m from the boundary with number 11 which is a bank with substantial TPO trees the distance between properties would be 26.4 m wall to wall

The alterations to the access arrangements, now that a screen wall is included to prevent headlight swing, is not considered to have any impact upon neighbour amenity.

#### Highways/Access:

The principle of highways and parking and the safety etc was approved previously, as such the issue to be considered here is whether the alterations to the access arrangements render this new proposed change to a single access unacceptable. It was cited in the previous officer report that *'By retaining the existing access for one dwelling and forming a new access for the second dwelling, a large expanse of hardsurfacing and concentration of activity/ noise at one point nearest to The Bedfords is avoided.'* As such then this new proposal to agglomerate them does move both accesses together near to the southern boundary, however although the Bedfords sits close to this boundary it has a side elevation facing this North direction and only secondary windows. Its main amenity area is to the south of it. There is a hedge and large tree on the boundary to the application site. as such then it is expected that the Bedfords would hear more car movements than at present and more than if only one property were accessed next to it, however it is not considered that the movements of vehicles from 2 properties in this arrangement, in a town location such as this would be unacceptable or undue here or cause unacceptable detrimental to the amenity and enjoyment of the Bedfords.

#### Flood risk and Drainage:

From the previous officer report:

*'The area is in flood zone 1 and is at the lowest risk of flooding. However, given the topography, there is a potential for run-off to cause problems and consultee responses refer to existing problems with surface water run-off locally. WDBC drainage specialists advise a drainage report reflects that tests have been undertaken which demonstrate the site is potentially capable of being drained sustainably using soakaways and details of how the principle of the drainage will be addressed have been submitted. WDBC Drainage Specialists consider that as SWW have given consent to connect to the combined system as a backstop and a condition is recommended requiring full details of the most sustainable system achievable to be submitted and approved, it is possible to prevent surface water problems for neighbours down slope. Foul drainage connection is possible on-site. In the circumstances, notwithstanding the concerns and objections received on drainage grounds, there is a requirement for the scheme to achieve the best possible sustainable solution which will address potential problems.'*

This aspect has not altered from the previous approval and remains acceptable with conditions.

#### Other Matters:

All matters regarding, heritage, contamination, land stability, permitted development rights re future development, land ownership, the access lane and the objections re loss of private views has been addressed in the 2018 permission and are not to be re-examined in this variation application beyond that which is discussed in detail above. They are still considered to be acceptable under the new JLP policies.

Re biodiversity, on site issues have been previously addressed and are covered in the conditions to be re-applied. However since 2018 the evidence around the JLP has been compiled and the JLP is now adopted. This has altered the approach to the Tamar Valley European Marine site. As such this site lies within the impact zone and the Habitats regs assessment and Appropriate assessment have been carried out. Providing a mitigation contribution is made through a S106 then this is acceptable. (SPT14)

A basic construction management plan has been requested now via condition just to ensure adequate parking on site during construction and working hours etc.

### Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV3 Strategic infrastructure measures for the Main Towns

TTV20 Spatial priorities for development in Tavistock.

DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

#### Neighbourhood Plan

The site is within the designated neighbourhood plan area for Tavistock. However, this plan is not yet an advanced enough stage that it can be given weight during the decision-making process.

#### Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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#### Conditions:

Conditions from previous approval to be reapplied in addition to those listed above:

1. The development hereby approved shall in all respects accord strictly with drawing numbers Henning LocPL 2Dwell rev4 SEP18, Henning BLPL 2Dwellrev4 SEP18, Henning PLHo1 Rev4 SEP18, Henning PLHo2 Rev4 SEP18, Henning ELHo1 Rev4 SEP18, Henning ELHo2 Rev4 SEP18, Henning Driveway Ho1 SEC SEP18, Henning Driveway Ho2 SEC SEP18 and Henning SEC 200 SEP18 received by the Local Planning Authority on 04 October 2018 and Tree Survey and Arboricultural Impact Assessment dated May 2018, Tree Protection Plan 04672-TPP-2018 dated June 2018 and Tree Constraints Plan 04672-TCP-2018 RevC dated May 2018 received by the Local Planning Authority on 26 June 2018.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the 12/12/18

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The vegetation bordering the access lane shall be permanently kept sufficiently trimmed to allow for the access and passing of motor vehicles in accordance with drawing number Henning BLPL 2Dwellrev4 Sep 18 hereby approved.

Reason: To minimise the risk of vehicles reversing onto the highway, in the interests of highways safety.

4. No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the LPA. This scheme shall be in accordance British Standard 5837:2012 - Trees in relation to design, demolition and construction -

Recommendations and shall include:

- Arboricultural method statement
- a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
- the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all hard and soft landscape treatment.

Reason: To protect the trees on the site in the interests of the character and visual amenities of the area.

5. The following activities must not be carried out under any circumstances:

- No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.
- No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect the tress on the site in the interests of the character and visual amenities of the area.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

7. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-F of the Order, including the erection of extensions, porches, garages, dormers roof alterations, sheds, other structures, or hard surfaces shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To safeguard the visual amenities and character and appearance of the area, to ensure adequate space between the buildings hereby approved and adjoining land and in the interests of ecology and biodiversity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Class A including gates, fences, walls or other means of enclosure shall be erected or constructed and details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first occupation of the dwelling hereby permitted. The approved boundary treatment shall thereafter be retained and maintained.

Reason: To safeguard amenities of neighbouring occupiers and the visual amenities and character and appearance of the area generally.

9. The awaited landscape details shall include proposals for the minimum and maximum heights at which all hedge boundaries are to be maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Proposed boundary hedges or proposed planting on/ close to the north-west boundary (with Deer Leap) in particular shall be low, not exceeding 1.5m above existing ground level or 1m above the level of the bank and thereafter maintained in perpetuity at a height not exceeding the agreed level.

Reason: In the interests of the amenities of neighbouring occupiers and the character and amenities of the site and locality.



10. Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area and in the interests of ecology and biodiversity.

11. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.
4. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
5. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
6. If discharging surface water to the main sewer, then written permission from SWW will be required.
7. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
8. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.
9. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

12. Notwithstanding the details hereby approved, the dwellings shall not be occupied until full details of both hard and soft landscape works, including boundary planting have been submitted to and approved in writing by the local planning authority. These details shall include grading and any mounding of land areas including the levels and contours to be formed, showing the relationship of any proposed mounding to existing vegetation and surrounding landform, details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree/ hedgerow or of any tree on land adjacent to the site, equivalent to half the height of that tree and hard surfacing materials or Root Protection Areas whichever is the greater. The hard landscaping shall be implemented prior to the first occupation of the dwelling or the completion of development whichever is the sooner. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscaping shall be implemented in the first available planting season following the first occupation of the dwelling or completion of development whichever is the sooner.

If within a period of five years from the date of the planting of any tree/shrub/plant that tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To safeguard the visual amenities and character and appearance of the area and in the interests of ecology and biodiversity.

13. Prior to the first occupation of either of the buildings details of ecological mitigation through the provision of bat roosting and bird nesting boxes either on the buildings, on the land or a combination of both, shall be submitted to and approved in writing by the local planning authority and implemented prior to the first occupation.

Reason: In the interests of ecology and biodiversity.

14. The access, parking and turning areas indicated on the approved plans shall be implemented and available for use prior to the first occupation of the dwellings hereby permitted and thereafter permanently retained and maintained.

Reason: To avoid congestion and in the interests of the safety and amenity of pedestrians and users of the private drive and public highway.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- measures to control the emission of dust and dirt during construction

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons.