

Parish:	Marshland St James	
Proposal:	Construction of 2 pairs of 3 bedroom semi-detached starter homes.	
Location:	Fenberry Farm Ltd 84B Smeeth Road Marshland St James Norfolk	
Applicant:	Thorpe	
Case No:	21/02091/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 27 December 2021 Extension of Time Expiry Date: 28 February 2022

Reason for Referral to Planning Committee – Referred by Planning Committee Sifting Panel

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission for the construction of two pairs of three-bedroom semi-detached dwellings on a parcel of vacant/ agricultural land. The application site lies to the north of Smeeth Road, located fairly centrally within the settlement. The site is approximately 0.1ha in size and access is proposed off Smeeth Road.

Marshland St James is categorised as a joint Rural Village in the adopted Local Plan. The application site is located outside of Marshland St James' development boundary, as identified on Inset G57 of the Site Allocations and Development Management Policies Plan (2016)(SADMPP) where normally proposals for housing are more restrictive.

However in this case, it is the view of officers that there are material considerations that would allow, on balance, the grant of planning permission.

Key Issues

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Affordable Housing Contributions
- Other Material Considerations

Recommendation

A) **APPROVE** subject to the completion of a Section 106 agreement within four months of the date of the resolution to approve.

B) **REFUSE** if the Section 106 Agreement is not agreed within four months of the date of this resolution to approve.

THE APPLICATION

The application seeks full planning permission for the construction of two pairs of three-bedroom semi-detached dwellings on a parcel of vacant/ agricultural land. The application site lies to the north of Smeeth Road, located fairly centrally within the settlement. The site is 0.1ha in size and access is proposed off Smeeth Road. The application site has residential development either side and approved residential development to the rear.

Marshland St James is categorised as a joint Rural Village in the adopted Local Plan. The application site is located outside of Marshland St James' development boundary, as identified on Inset G57 of the Site Allocations and Development Management Policies Plan (2016)(SADMPP) where normally proposals for housing are more restrictive. The development boundary abuts the application site running alongside the front of the site.

The proposed dwellings are located centrally on the site with a driveway and parking/ turning area to the front of the plot and private amenity space to the rear of 10m in depth. The proposed dwellings are of largely the same design as the existing adjoining two storey semi-detached dwellings to the southwest. Each pair of semi-detached dwellings would be approx. 8.2m tall to ridge height, 10.6m wide, and 8.5m deep. The dwellings are of a modern estate style design, and symmetrical in appearance. The materials proposed are not specified nor are the boundary treatments. It is anticipated that the proposed dwellings will reflect those already constructed immediately to the southwest.

SUPPORTING CASE

It is appreciated that the site sits on land is still designated as 'Countryside', however policy does not forbid such development within the countryside and allows for a pragmatic approach to be taken on a case by case basis. Clearly this site is surrounded by residential development, and is, in reality, infill. It should be noted that the village development boundary abuts the proposal site, Marshland St James is a Key Rural Services Centre and the site is effectively 'Infill'.

The site has been identified as a Sustainable Location, by virtue of the adjacent residential approval, awarded during the local authority housing land supply shortage.

There is ample and adequate locally accessible amenity space. The site is connected to the local community centre, children's' play area, and sports field by footway, and is within a reasonable walking & cycling distance.

In any event the total site area outside of the access is 930m². The building footprints total 184m², this exceeds some other local approvals thus provides a greater amenity area. These approvals have since been built out and sold as market housing - thus the market has dictated both suitability & need - this are market houses, and not for the rental or Affordable sector. Adjacent approvals 13/00872/F & 18/0014/RM provide an amenity space equal to, or less than the proposal.

It is considered that the window to window distances are no less than other approvals, particularly recently approved 'estate' style housing. Similarly, the distance to the windows to the residence to the rear - as can be identified from the approved floor plan of this dwelling, there would be no overlooking issues. There has been no objection from the owner of this property to the proposal.

PLANNING HISTORY

None relevant.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

The Council SUPPORTS this application but request the following condition be applied to the consent:

Any footway or Trod to the front of the property be protected during construction and reinstated in good condition on completion.

Highways Authority: NO OBJECTION - Subject to Conditions

Having examined the information submitted with the application I believe that ultimately accesses for the proposal would be safe and parking and turning for vehicles would accord with the parking standards for Norfolk.

The proposed development site is however remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development are likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site. Should however your Authority seek to approve the application I would recommend conditions re access, visibility splay, turning/ parking area are attached.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

The application is for the construction of 2 buildings making up 4 semi-detached 3 bedroom properties. We have reviewed our files and the site is on redundant agricultural land. The use of the land has only been observed as agricultural or forested according to historical records.

Housing developments of a similar type have recently been built on the neighbouring plot. The surrounding landscape is largely agricultural with residential properties and commercial premises running along the road south of the site. No potential sources of contamination are identified in our records or on the screening assessment provided by the applicant. We have no objection regarding contaminated land.

Housing Enabling: NO OBJECTION - Subject to Section 106 Agreement

We can confirm that the site area and number of dwellings proposed triggers the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Marshland St James. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

Under DM8 of the council's Site Allocation & Development Management Policies Plan 2016 this site is deemed linked to planning application 15/01573/O and is considered an extension to an existing development which is still being built out. A financial contribution of £96,000 was secured within the s106 agreement for the previous application which has been complied with. In this instance for an additional 4 units, a financial contribution of £24,000 would be sought. This is calculated as 4no units times 20% affordable housing – 0.4 units, times £60,000 per unit. A S.106 Agreement will be required to secure the affordable housing contribution.

Natural England: NO COMMENTS

Internal Drainage Board: NO OBJECTION - Subject to Condition.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- The applicant has indicated that they intend to dispose of surface water via infiltration, however has not been evidenced. Recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).
- Not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary.

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Environment Agency: NO COMMENTS

The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of

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the Agency in respect of flood risk related issues. See following link for assistance - <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

Emergency Planner: NO OBJECTION

Reference the above application. Because of its location in an area at risk of flooding I would suggest that the occupiers:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood)
 - This will include actions to take on receipt of the different warning levels.
 - Evacuation procedures e.g. isolating services and taking valuables etc
 - Evacuation routes

REPRESENTATIONS

TWO letters of **OBJECTION** received raising the following issues-

- Loss of agricultural land and harm to the countryside.
- Consolidate the built form outside the defined development area for the village and would be detrimental to the appearance and character of the countryside.
- The site is in Flood Zone 3. There are other more suitable Flood Zone 1 sites immediately available within Marshland St James. Site does not meet sequential test requirements.
- Smeeth Road is in a 40mph zone and there are no continuous footpaths towards the Village Centre and other Community Facilities.
- Authority has a 5 Year Land Supply. There are no material considerations to outweigh this in principle policy objection and the proposal is therefore not considered to be sustainable development and contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.
- The applicant/ owner of this site is Parish Councillor Mark Thorpe, who clearly has a pecuniary interest and Norfolk County Councillor Chris Dawson also declared a pecuniary interest, in his capacity as Agent and a Director of Hereward Services Ltd. Therefore, clear conflict of interest and an approval inappropriate.

ONE letter of **SUPPORT** received from neighbouring dwelling –

- No concerns re neighbour amenity as the proposed dwellings are 40m from their converted barn.
- Starter homes are needed in the village.

ONE representation of **SUPPORT** from Cllr Long, ward member, stating –

I would like to put on record that as local member I support this application and believe it will add to the continued vibrancy of the village, and will be a positive addition to the Smeeth.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

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CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM8 – Delivering Affordable Housing on Phased Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

Principle of Development

Marshland St James is identified as a joint Rural Village in the adopted Local Plan, and as such the settlement has a range of services and also a development boundary for the village. The application site is located along the north side of Smeeth Road, which is outside of the development boundary identified in Inset G57 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP). The development boundary abuts the application site running alongside the front of the site. Policy CS06 (of the Core Strategy) seeks to protect the countryside and restrict development of greenfield land unless for agricultural or forestry needs. Policy DM2 states that outside development boundaries new development will be restricted to that identified as suitable in rural areas by other policies of the local plan.

The agent for the proposal refers to the fact that the scheme is an infill development, which it is in terms of character. Policy DM3 of the SADMPP allows limited infill development but this is in Smaller Villages and Hamlets only and does not apply to Marshland St James as a joint larger Rural Village.

However, while the site lies outside the development boundary for the village; in this application there are a range of factors which collectively lead to special circumstances which need to be considered by members. When the development boundary was originally drawn this sought to protect a gap in built form which at that time provided views into the countryside and contributed to the form and character of the village. However, during the time when the authority did not have a five year land supply planning consent was granted for eight houses within this gap (ref 18/00014/RM). Furthermore, in 2018 the existing agricultural barn to the rear of the application site was converted to a dwelling under a prior notification application (ref:18/00062/PACU3). The impact of these two developments has significantly changed the character and value of this (previous) gap in the frontage. The application site constitutes the remaining piece of land which fronts onto Smeeth Road with

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a dwelling to the rear of the site and dwellings either side. While the site remains outside of the development boundary (which runs along the front of the site) the land cannot be utilised as agricultural land and it does not add value to the rural feel or setting of the village. There are no views through this site to the wider countryside and there would be no unacceptable harm to the intrinsic character and beauty of the countryside as a result of the development.

Paragraph 79 of the National Planning Policy Framework (NPPF 2021) is also particularly relevant here and it states that-

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Form and Character

Smeeth Road is characterised by ribbon development of dwellings of various form and scale. Within the immediate vicinity, there are recently constructed semi-detached properties constructed in red brick to the southwest, detached dwellings constructed in buff brick to the northeast, and an agricultural style building, finished in pale grey sheeting, to the north of the site.

The application site is a parcel of land of approx. 0.1ha, comprising of scrub vegetation. It is currently defined by a 1.8m closed boarded fence on the north, east and west boundary (which drops in height to 1m forward of the front elevation of the neighbouring dwelling). The proposed dwellings are located centrally on the site with a driveway and parking/ turning area to the front of the plot and private amenity space to the rear of 10m in depth.

The proposed dwellings are of largely the same design as the existing adjoining two storey semi-detached dwellings to the southwest. Each pair of semi-detached dwellings would be approx. 8.2m tall to ridge height, 10.6m wide, and 8.5m deep. The dwellings are of a modern estate style design, and symmetrical in appearance. The materials proposed are not specified nor are the boundary treatments. It is anticipated that the proposed dwellings will reflect those already constructed immediately to the southwest. The design of the dwellings is considered acceptable in the locality, reflecting the form and character. The scheme is in accordance with policy CS08 of the CS and policy DM15 of the SADMPP.

Neighbour Amenity

The proposed dwelling at plot 1 is 2.5m from the neighbouring dwelling to the west at no.94A, and to the east the existing dwelling no.88 is 10.5m from the proposed dwelling at plot 4, to the other side of an access track. The proposed siting of the dwellings is in accordance with the building line of those existing immediately adjacent (to the southwest). The side elevations of the existing dwellings and those proposed include first floor bathroom windows. These could be conditioned as obscure glazing to protect privacy between the dwellings.

To the rear of the application site is an agricultural building converted to a dwelling with first floor bedroom and bathroom windows facing onto the application site. This building is approximately 25m from the building to the shared boundary fence. The distance of 35m from the proposed dwellings to the dwelling at the rear is acceptable in terms of window to window relationships, and also this separation distance provides sufficient privacy for the proposed rear gardens. In terms of overshadowing, the distance between the dwellings proposed and those existing dwellings neighbouring the site, in addition to the siting and

orientation of these, means that the development would not cause harm to the extent to warrant refusal of the application. While no.88 has a first floor window on the southwest side elevation serving a bedroom, and a ground floor living room window, the access track in between the application site and this neighbouring dwelling protects the 10.5m gap between and as a result there would be limited overshadowing as a result of the proposed scheme, as again the dwellings proposed are largely positioned in line with no.88. The first-floor window of no.88 would face onto the side elevation of plot 4, and towards the front of the proposed plot, and it is not considered this would overlook the rear private amenity space of plot 4.

The proposed development would not give rise to an unacceptable impact on neighbour amenity and is therefore in accordance with policy CS08 of the CS and DM15 of the SADMPP.

Highway Safety

The Local Highway Authority (LHA) raises no objections to the application on highway safety grounds. The proposed access and parking arrangements are acceptable subject to conditions relating to the access, visibility splay and parking and turning arrangements.

There is an existing tarmac footpath running along the front of the site which is to be retained, and this is demonstrated on the submitted plans. The Parish Council request the retention and protection of this footpath.

The Local Highway Authority (LHA) does raise concerns that in their view the site is in an unsustainable location remote from local services and facilities with limited scope for improving access by foot and public transport. A public objection to the scheme also makes the point that there are not continuous footpaths from the site to the community facilities.

In terms of highway safety, the proposed development is in line with policies CS11 of the CS and DM17 of the SADMPP. The sustainability of the site is considered under the principle of development as discussed above.

Flood Risk

The application site lies within Flood Zone 2 of the adopted SFRA, as does much of the north of Smeeth Road. In line with the NPPF the sequential test must be carried out for development in areas of flood risk. The applicant has submitted a sequential test, which in their view states the site has passed. The application site proposed is outside of the development boundary for the village and at flood risk. The two housing allocations in the village (G57.1 and G57.2) are not at risk of flooding (one has minimal climate change surface water flooding), however these are both under construction or developed with insufficient space for four new dwellings. Therefore, there are not any reasonable available (allocations or sites with extant consent) alternative sites at a lower risk of flooding within the settlement, and as a result the application passes the sequential test.

The applicant states in the site-specific flood risk assessment that there are mitigation and resilience measures that can be used to ensure the proposed development is safe for the lifetime of its use and would not increase flood risk elsewhere. The measures proposed are in line with the Environment Agency Standing Advice with finished floor levels to be raised by 300mm above the existing ground levels, and flood resilience measures are proposed for 300mm above the finished floor levels. For these reasons the application accords with the provisions of paras 160 and 161 of the NPPF, and the adopted plan, specifically policy CS08 of the CS.

Affordable Housing Contributions

Policy DM8 of the SADMPP requires that where the proposed development forms part of a larger site which if developed would result in a requirement for a proportion of / contribution to affordable housing the requirement to provide affordable housing will apply. This application must therefore be linked with application 15/01573/O which granted consent for 8 dwellings immediately adjacent to the southwest of the site. Under Policy DM8 this site is considered an extension to an existing development which is still being built out. A financial contribution of £96,000 was secured within the s106 agreement for the previous application which has been complied with. In this instance for an additional 4 units, a financial contribution of £24,00 would be sought. This is calculated as 4no units' times 20% affordable housing – 0.4 units, times £60,000 per unit. The Housing Enabling Officer has calculated that based on the number of dwellings already under construction and the affordable housing contribution made previously, in addition to the four new units proposed an additional financial contribution of £24,000 would be sought. A S106 agreement is required to secure the affordable housing contribution.

Other Material Considerations

Drainage – While drainage details have been submitted as part of the application, the applicant has indicated that they intend to dispose of surface water via infiltration, however the IDB cannot see that the viability of the proposed drainage strategy has been evidenced. The IDB would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. Therefore, it is suggested drainage is conditioned to ensure satisfactory arrangements can be agreed.

No objections or comments were received from statutory consultees regarding land contamination or ecology.

CONCLUSION

In summary, the application site is outside of the development boundary, which runs along the front of the site, and therefore the proposal is technically contrary to policies CS06 of the Core Strategy, and Policies DM2 and DM3 of the SADMPP. The Council also has a 7.96 year housing land supply currently, so is not looking for an urgent supply of housing to come forward.

However, the very site specific context of this scheme, in particular the changes to the character of this area and the fact it is effectively surrounded by residential development, leads to the fact that there would be no harm caused to the form and character of the locality or the wider countryside. The reduced gap compared to when the development boundary was approved, means this is no longer an important gap within the street scene, and the site is also relatively close to the services and facilities of Marshland. There are not considered to be any other technical objections to the scheme. On balance, the scheme does represent a sustainable form of development for the reasons discussed above and it is therefore not contrary to the NPPF and is considered particularly to be in accordance with paragraph 79 of the NPPF. Members will be aware that planning decisions are made in accordance with the development plan, unless other material considerations indicate otherwise, and the lack of harm here means that these considerations, in this specific case, are on balance considered to outweigh the conflict with the development plan.

RECOMMENDATION

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing No HAL21-94A-100 Rev: A received 27 Oct 2021).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 3 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 4 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access shall be constructed in accordance with the highways specification TRAD 4 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 4 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 5 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: In the interests of highway safety in accordance with the NPPF and Policy CS11 of the Core Strategy.
- 6 Condition: Prior to the first occupation of the development hereby permitted 2.4 meter wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage .The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 meters above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety in accordance with the principles of the NPPF.

- 7 Condition: Prior to the first occupation (use) of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason: To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety.
- 8 Condition: The development hereby approved shall be constructed in strict accordance with the flood risk measures specified in the Conclusions of the Flood Risk Assessment Final Report prepared by Ellingham Consulting Ltd dated October 2021. These measures shall be retained in perpetuity.
- 8 Reason: In order to protect the residents against flood risk in accordance with the principles of the NPPF.
- 9 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 10 Condition: Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 11 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. 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 and densities where appropriate.
- 11 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of

similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: Before the first occupation of the dwelling hereby permitted the bathroom windows on the first floor side elevations shall be fitted with obscured glazing and any part of the window that is less than 1.7 meters above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 13 Reason: To protect the residential amenities of the occupiers of nearby property.