

Report to **Planning Committee**  
Date **6 April 2022**  
By **Director of Planning and Environment**  
Local Authority **Chichester District Council**  
Application Number **SDNP/21/04759/FUL**  
Applicant **Mr T Hill**  
Application **Replacement dwelling.**  
Address **Eastview The Street Lodsworth GU28 9BZ**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**

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### **Executive Summary**

Planning permission is sought to demolish the existing dwelling and to erect a replacement dwelling. The existing property is single storey with a dual-pitched roof situated within the Lodsworth settlement boundary. Although the dwelling is outside of the Lodsworth Conservation Area, it is in close proximity to the conservation area boundary which includes the dwellings opposite on the west side of The Street. The proposed replacement dwelling is two storey and of a greater size and bulk compared to the existing. However, the proposed replacement dwelling is not considered to be harmful to neighbour amenity and is of a design appropriate to the character of the location. The proposal complies with both local and national planning policy and is recommended for conditional approval.

### **1.0 Site Description**

The application site consists of single storey dwellinghouse and associated outbuildings within a plot of approximately 1350 sqm on the east side of The Street in the village of Lodsworth. The site is within the Lodsworth settlement boundary and although outside the Lodsworth Conservation Area, it is in close proximity to the conservation area boundary which includes the dwellings opposite on the west side of The Street. The site has a northwest to southeast incline resulting in a 4.5m fall in levels toward the highway. Access is via a driveway which runs along the northern boundary of the site and ends in a bellmouth where it joins the street.

The existing dwelling is single storey with a dual-pitched roof. The walls are of painted brick and the roof is clad in plain clay tiles. The windows, doors and rainwater goods are of uPVC. There are 5 no. steps up to the front entrance of the dwelling owing to the slope of the site.

Also on the site is a collection of outbuildings arranged along the north boundary comprising timber stable/shed, outbuilding on a concrete base and a large metal shed.

## **2.0 Proposal**

The proposal is for the replacement of the existing dwelling with a two storey dwelling (first floor contained within the roof) set primarily on the footprint of the existing building. The predominantly 'L' – shaped footprint sites centrally and to the rear of the site approximately in the same building line as flanking houses. All the existing outbuildings are to be removed as part of the proposal.

## **3.0 Relevant Planning History**

No recent planning history

## **4.0 Consultations**

### **CH - Environmental Strategy**

Summary:

Content that mitigation and enhancements proposed pertaining to bat species would be suitable. Please condition to ensure implementation accordingly.

Any works to trees should be carried out outside bird breeding season.

A precautionary approach should be adopted when carrying out site clearance in respect of the potential presence of hedgehogs.

### **CH - Tree Officer**

None received.

### **Parish Council Consultee**

The Parish Council has carefully considered the above-mentioned application and has the following comments:

1. The Parish Council supports in principle the demolition of the of the existing house and the demolition of the collection of unsightly outbuildings.
2. The Parish Council is concerned about the size of the replacement building. The Parish Council notes that the increase in floor area of the proposed new house relative to the original house may be contrary to Planning Policy Guidance.
3. The Parish Council notes that the height of the ridge of the proposed dwelling and other key information varies from plan to plan and it would like to see these issues corrected so consistent. As it stands the plans are confusing and need more clarity as discussed with the applicant at the planning meeting. A plan of the existing and proposed footprint would be most useful.
4. The Parish Council has concerns with loss of privacy for neighbouring properties including the overbearing bulk of the proposal for the property to the South (Greenbanks). In addition, there are 3 dormer windows being proposed that directly overlook the property on the western elevation (Old Orchard).
5. The Parish Council suggests engagement with the residents of all the neighbouring properties to address their concerns is essential.

Therefore, the Parish Council currently **OBJECTS** to the application as it stands. It welcomes a revision which is more in keeping with the surrounds.

Further comments received 01.12.2021

The Parish Council realises that Eastview in its current form is architecturally poor and does in principle support the replacement of this bungalow. A replacement with a more efficient, low in-use carbon home can hopefully take the opportunity to construct in a similarly environmentally sustainable way in terms of low embodied carbon methods and materials used.

Whilst it appreciates their desire to push through these plans “without delay, “the Parish Council is more concerned that further time and care should be taken to ensure a building is built that sits comfortably within its setting in the village and responds more sympathetically to the surrounding dwellings in both style and scale.

For your information, the Parish Council members were unanimous in their desire to object and to suggest seeking further engagement with the neighbours.

**Point 2: The increase in floor area of the replacement dwelling is not contrary to planning policy as the application site is within the settlement boundary.**

Although the Parish Council planning committee is aware of policy SD30 and concede that the property falls within the settlement boundary, the issue remains that the proposed dwelling is more than double the existing; is over 100sqm larger in footprint than its neighbours and has gross internal area of over 300sqm.

The Parish Council, in line with many local parishes, is against the conversion of all smaller retirement and starter dwellings to large family homes. This is consistent with the South Downs National Park’s approach to a healthy housing mix expressed in SD 7.3, 7.4 and 15, and protects from putting the cost of properties beyond the reach of locals. We are keen to ensure that this and successive projects do not affect the demographic and adversely change the nature of the village.

The Parish Council must also question if the property enhances the existing landscape in its design and whether in layout and scale it is complimenting its context and setting. (SD 4, 15).

**Point 3: The plans are correct. The building responds to the site topography with the eastern, front building range being set at a lower level than that to the rear. Internal steps negotiate that change in floor levels.**

It is considered that there were, and there remain several inconsistencies, omissions and mistakes in what seems an unclear proposal. This has made it very difficult for the Committee to assess. One simple point made by a councillor to Mr Hill at the meeting was that the drawing of a door 1.2 x 2.8m on the front elevation gave an incorrect proportion of this vital and highly visible elevation. Mr Hill’s reply to the parish in his letter 12th November was, *“The height of the door on the front eastern elevation seemed to be of concern and, to address this issue, we would be happy to replace it with a window.”*

The Parish Council respectfully suggests that the building does not respond to the site topography (contra SD5.22 and - Parish Design Statement - PDS 9.1 and 8.3)) and although there may be internal steps it is not the floor level within that contributes to the overbearing nature to the east. The ridge height is barely reduced from front to back of the property and it is 1.9 metres higher than neighbouring ridges at that datum line.

It suggests that the proposed dwelling could not be said to be appropriate to its setting in terms of height, massing, density and roof form (SD5 f.) nor are the materials proposed (rendered block) on this forward wing consistent with the local vernacular detailing or those further prescribed by SD5,15 and PDS 9.5 calling for local stone or stock brick.

Lodsworth Parish Council maintains that further engagement with neighbouring properties is essential to achieve a building that is not so dominating nor overbearing when viewed from The Street.

## 5.0 Representations

3 Third Party objections and 1 general comment:

Principle of replacement dwelling supported

Overlooking and inter-looking from first floor window arrangements – loss of privacy

Overall height and scale accentuated by rising ground from The Street.

Assertive building in street scene

Unneighbourly

Inappropriate palette of materials

Loss of view

Use of track to rear of site

## 6.0 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- N/a

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF - Conserving and enhancing the natural environment
- NPPF - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD10 - International Sites
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD30 - Replacement Dwellings
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 50

## **8.0 Planning Assessment**

Determining matters:

- Principal and Design
- Neighbour amenity
- Impact on the Lodsworth Conservation Area
- Ecology and impact on International Sites
- Impact on trees
- Water Use

### **Principal and Design**

The dwelling is within a settlement boundary where new development is to be focussed in line with the objectives of SD25 and SD26. Therefore the principle of redevelopment is considered to be acceptable. Policy SD30 applies to replacement dwellings in rural areas and therefore noted that the limitation regarding floorspace increase referred to in that policy does not apply in this case. The key policies are therefore policies SD4 and SD5. Policies SD4 and SD5 together require development proposals are only permitted where they adopt a landscape led approach which conserves and enhances the landscape and respect the local character through sensitive and high quality design. Also of relevance to this application is the Lodsworth Parish Council Design Statement which sets design guidelines for Lodsworth Parish.

Criteria C of SD5 requires development contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features. Criteria F of SD5 requires development utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and vernacular detailing. Guideline 8.2 of the Lodsworth Parish Council Design Statement requires new buildings are sited where they follow the grain of those in their vicinity and guideline 8.3 requires development reflect the existing layout, grouping and scale of buildings.

The proposed replacement dwelling is acknowledged to be larger than the existing dwelling by virtue of its footprint, ridge height and massing. However, the enlarged design would not be out of context with the neighbouring buildings which are of similar proportions to the proposed replacement in terms of footprint and massing. When viewed from The Street, the east elevations of the dwellings are most prevalent. The proposed east facing gable would have a ridge height of 7.6m. The neighbouring Greenbanks to the south has a ridge height of approximately 7m. While it is acknowledged that the proposed ridge height would be marginally higher than some of the surrounding properties, this is not an excessive increase and the potential bulk has been addressed with the introduction of a Sussex hip to the east gable and the fact that the eastward projecting 'wing' of the building takes advantage of the fall in levels and is to be stepped down, ensuring that the building's massing would be further tempered through the articulation of its form.

The design approach incorporates features which are consistent with other dwellings on The Street and surrounding local examples. Whilst the replacement dwelling would be larger than the existing dwelling, the plot in which it sits is generous and can accommodate a dwelling of the proportions proposed without resulting in a sense of overcrowding or overdevelopment. The proposals are considered to comply with policies SD4 and SD5 and Lodsworth Parish Council Design Guidelines 8.2 and 8.3 and are capable of receiving officer support.

Guideline 9.5 states local sandstone and stone bricks are generally most fitting and may be complemented by areas of timber cladding or clay tile hanging. The proposed materials consist of a plain clay tile roof, lime plaster cladding on the ground floor elevation and tile hanging on the east gable. The plain clay tile roof and tile hanging are locally characteristic.

### **Neighbour Amenity**

Objections have been raised regarding neighbour amenity and Lodsworth Parish Council has raised concerns that the proposals would result in the loss of privacy for neighbouring properties including concerns that the bulk of the proposed dwelling would be overbearing for the dwelling to the south (Greenbanks) and the dormer windows proposed for the west elevation would directly overlook the dwelling to the west (Old Orchard).

#### Neighbour amenity to the south

Concerns have been raised that the bulk of the dwelling would be overbearing to the dwelling located to the south (Greenbanks) by the Parish Council. The replacement dwelling would sit further south in the plot compared to the existing dwelling. The replacement dwelling is stepped and angled and would sit approximately 5.39m from the southern boundary at its closest point. The north elevation of Greenbanks is close to the boundary line and which has itself quite an assertive effect over Eastview. The larger replacement dwelling at Eastview would introduce further mass and bulk to space between the two dwellings. However, the proposed replacement dwelling would be set further back from the streetscene to the west of the plot compared to Greenbanks which would offer some articulation in the overall mass and bulk produced by the two dwellings. On balance it is not considered that the proposal would be overly assertive on the neighbour to the south.

### Neighbour amenity to the north

Concerns have been raised by third parties and the Parish Council that the dormers proposed for the north and east-facing elevations will result in a loss of privacy for the neighbour to the north (Hollybank). The easternmost dormer window in the north facing elevation serves the landing will look across the remainder of the site toward the north boundary shared with Hollybank, some 12 metres away. However, considering this dormer window serves a landing, a transient space which is unlikely to be used for long periods of time, the intensity of the use of this window is low and any perceived overlooking is not considered unacceptable. The westernmost dormer in the north elevation would be angled away from Hollybank itself and in fact looks across the neighbouring detached garage and forecourt area.

The two dormer windows in the east elevation face down the garden of Eastview, affording only an oblique angle of view toward the shared boundary. The nearest dormer to the shared boundary serves an en-suite bathroom, therefore it is not unreasonable to condition that obscured glazing is used in this window to provide privacy for the residents of Hollybank and for residents of the replacement dwelling.

### Neighbour amenity to the west

Concerns have also been raised by third parties and the Parish that the 2 no. dormer windows proposed on the west elevation would cause undue overlooking to the neighbouring dwelling to the west (Old Orchard). A third dormer in the hipped part of the roof at the northern end of the west elevation has been omitted following discussions with officers.

The east elevation of the neighbouring property to the west is approximately 24m from the section of the proposed west elevation containing the dormers. The top of the windowpanes in the proposed dormers would be approximately 4.7m above ground level. The dormer windows are modestly proportioned and would sit quite low on the roof slope. Considering the distance from the neighbouring dwelling and the orientation of the dormers owing to the angle of the west elevation, together with intervening vegetation present on the boundaries flanking Shepherds Lane, it is not considered that the proposed dormers on the west elevation would cause undue overlooking or loss of privacy for the neighbour to the west.

### **Impact on Lodsworth Conservation Area**

The Street is sunken by about 1.8m relative to the front garden of the site. This means the dwelling is largely hidden from view in the street scene and is visible only through the driveway entrance. A dense roadside hedge provides further screening. The proposals are considered to preserve the character and appearance of the conservation area owing to the level of screening afforded to the dwelling.

Guideline 7.7 of the Lodsworth Design Statement requires due regard should be given to the SDNPA dark skies policy (Policy SD8) with respect to lighting. The guideline requires lighting should be kept to a minimum. All rooflights at the site will be fitted with blackout blinds which would be secured with a condition.



## **Impact on trees**

To the north west corner of the site is a collection of 6 no. individual trees consisting of 4 no. beech, 1 no. ash and 1 no. sweet chestnut. These trees are protected by a TPO (00/00608/TPO). While the trees are not on the application site, there is the potential they may be affected by construction works.

The proposals are accompanied by an Arboricultural Report conducted by AFA Consulting dated September 2021. The tree officer has been consulted on the proposals and advised the demolition of the outbuilding should not be carried out until the ground protection and protective fencing has been installed and the ground of the old foundations is carefully hand dug out. The applicant has agreed to this and this can be secured with a condition.

## **Impact on ecology and International Sites**

The proposals are accompanied by a Preliminary Roost Assessment, Preliminary Ecological Appraisal and Phase 2 Survey Report conducted by Darwin Ecology and dated August 2021. The main house was assessed as holding low potential to support roosting bats. A single dusk emergence survey was conducted on 30 June and no bats were recorded emerging or re-entering the building. No bat roosts are considered to be on site so the demolition of the dwelling is not considered to result in the loss of bat habitat. The proposals have been screened under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) and based on the assessment it was concluded that there will be not likely significant effects on the Sussex Bats SACs as a result of the proposals.

The ecology team were consulted on the proposals and advised they are happy that the mitigation and enhancements proposed pertaining to bat species contained in Sections 6 and 7 of the ecology report would be suitable. A condition has been added to ensure this takes place.

The ecology team advised that the Birch tree to the west of the site has a low potential to support roosting bats and a further inspection would be required if this tree is to be affected, however this tree is to be retained so no further surveys are required.

## **Water Use**

The site is within the Sussex North Water Resource Zone. The screening matrix prepared by the National Park requires proposals resulting in a net increase in new dwellings to be assessed as to their potential impact on this resource zone and the sites of nature conservation interest within it. This proposal is for a 1:1 replacement dwelling and therefore would not result in a net increase in new dwellings on the site. It is acknowledged that the number of water-using facilities available to residents are increased in the proposed dwelling. However this is offset through the proposed use of water-efficient appliances and fittings within the house and the installation of 7500 litre rainwater harvesting tank within the site with the objective of securing water use in line with policy SD48. On balance the proposals are not considered to increase the demand for water.

## **9.0 Conclusion**

The replacement dwelling would be acceptable in this village centre location. It would be responsive to the site constraints that are present and sensitive to the impact the development will have on adjoining properties and on the surrounding area. Care has been taken to ensure protected trees and other important vegetation is retained to help assimilate the new dwelling into the built environment. The proposal is considered to accord with the objectives of the national and local planning policies referred to above and is therefore recommended for approval subject to conditions.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development. It is considered necessary of this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4. Prior to the commencement of the development hereby permitted precise details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course, in relation to a nearby datum point shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details. No subsequent lowering/raising of ground/floor slab level shall be carried out without prior approval.

Reason: In order to secure a satisfactory standard of development and these details are required prior to commencement of development as they relate to the construction of the development (or prior to the construction of the development in the case of further investigative works such as archaeology and contaminated land)

5. The development hereby permitted shall be carried out in accordance with the approved ecosystems services statement and retained thereafter unless details of other suitable ecosystems services proposals are otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an overall positive impact on the ability of the natural environment to contribute goods and services, in accordance with policy SD2 of the South Downs Local Plan.

6. Prior to the commencement of the development hereby permitted (which includes the removal of existing outbuildings on the site), the protection of the trees to be retained shall be carried out in accordance with the details submitted as part of the arboricultural report prepared by AFA Consulting dated 16.09.2021. The measures of protection shall be retained in situ and in good order until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area.

7. The development hereby permitted shall not be occupied until the biodiversity enhancement measures set out at section 7 of the preliminary roost assessment and ecological appraisal and shown on the enhancements map both produced by Darwin Ecology have been carried out in accordance with those details.

Reason: In order that the development can contribute effectively to an enhancement of opportunities for biodiversity within the site and to meet the objectives of policy SD9.

8. Prior to occupation of the dwelling hereby permitted, the proposed rooflights shall be fitted with automated blackout blinds. The blinds shall be maintained in an effective working condition throughout the lifespan of the rooflights.

Reason: To ensure that the proposed development does not have an adverse impact upon the quality and characteristics of the internationally designated dark skies reserve.

9. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) design stage BRE water calculator
- c) product specifications
- d) building design details
- e) layout or landscape plans demonstrating that the dwelling has:

- a) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
- b) reduced predicted CO2 emissions by a further 10% due to on site renewable energy compared with the maximum allowed by building regulations
- c) EV charge point
- d) predicted water consumption no more than 110 litres/person/day
- e) separate internal bin collection for recyclables
- f) private garden compost bin and providing evidence demonstrating:
- g) sustainable drainage and adaptation to climate change
- h) selection of sustainable materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change.

### **11.0 Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

### **12.0 Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### **13.0 Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### **14.0 Proactive Working**

In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices Appendix 1 - Site Location Map

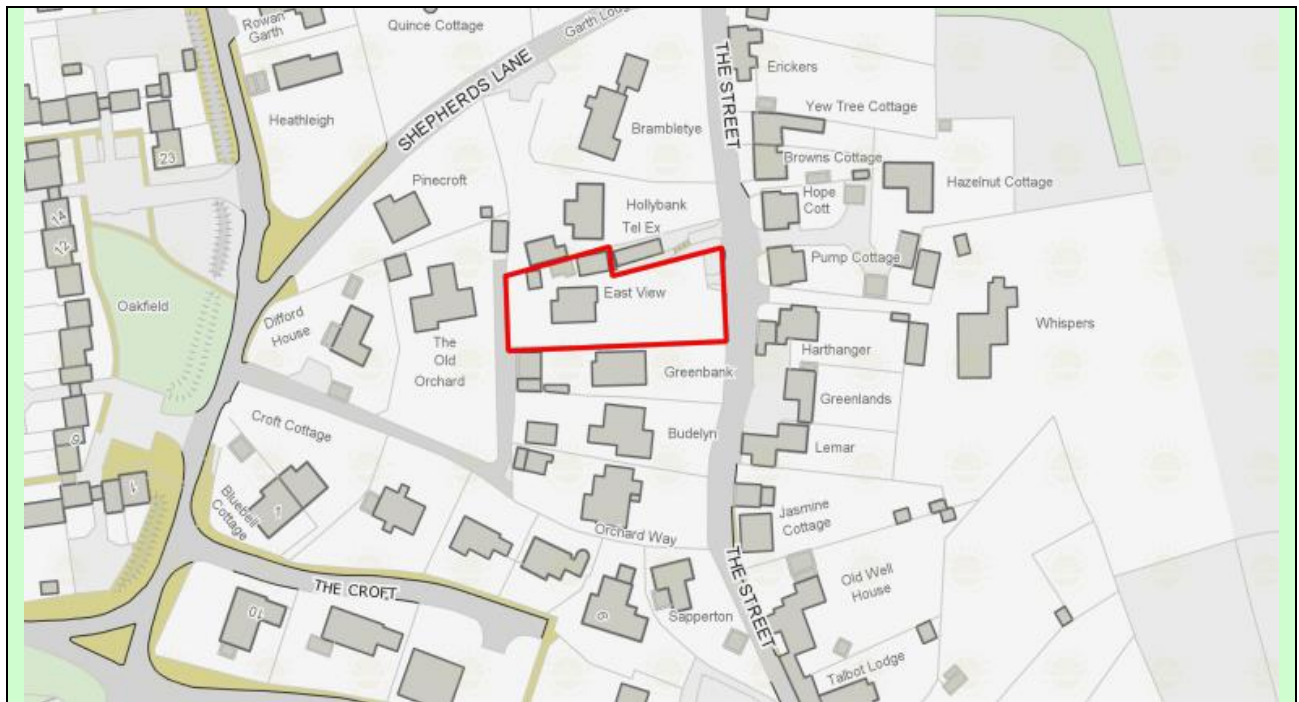
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans - PROPOSED SITE PLAN	AS684/04 Rev C		17.09.2021	Approved
Plans - PROPOSED LOCATION & SITE PLAN	AS684/01		17.09.2021	Approved
Plans - PROPOSED SECTIONS	AS684/07 Rev C		17.09.2021	Approved
Plans - EXISTING ELEVATIONS	AS694/03		17.09.2021	Approved
Plans - EXISTING PLANS	AS694/02		04.10.2021	Approved
Plans - PROPOSED PLANS	AS694/05		04.10.2021	Approved
Plans - PROPOSED ELEVATIONS	AS694/06 Rev C		04.10.2021	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.