



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5973

Report Summary			
Application Number	22/02469/RMA		
Proposal	Reserved matters application pursuant to application 21/02680/OUT for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works		
Location	Broadlands, Southwell Road, Farnsfield, NG22 8EB		
Applicant	Lawford & Evans Ltd - Mr Simon Lawford	Agent	Finola Brady Architectural Services - Ms Finola Brady
Web Link	22/02469/RMA Reserved matters application pursuant to application 21/02680/OUT for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works Broadlands Southwell Road Farnsfield NG22 8EB (newark-sherwooddc.gov.uk)		
Registered	29.12.2022	Target Date	23.02.2023
		Extension of Time	21.04.2023
Recommendation	Approve, subject to conditions set out in Section 10 of the report.		

This application is being referred to the Planning Committee for determination at the request of Cllr Bruce Laughton because the Officer view differs from the view of Farnsfield Parish Council and concern that demolition of the bungalow and replacement with three dwellings represents over intensification of the site and would set a precedent for similar sites.

1.0 The Site

The site contains a vacant bungalow (Broadlands) with associated garden and a detached garage located in the settlement of Farnsfield as defined by the Allocations and Development

Management DPD. The bungalow is constructed out of traditional facing brickwork with a hipped roof and chimney, covered with a plain tile roof covering. The garage is constructed out of traditional facing brickwork with a pitched roof, covered with cement roofing sheets.

To the north and east of the site is a new housing estate, comprising 2, 3, 4 and 5 bedroom new build 2 storey houses, constructed in a mixture of facing brick and render, with concrete tiled roofs. To the South and West of the site is Southwell Road, lined with detached 2 storey houses, constructed in a mixture of facing brick and render, with tiled roofs. The site is currently accessible directly from Southwell Road.

The trees to the front of the site are protected by Tree Preservation Order.



The building is not listed and is not within a Conservation Area. The site is designated as being within Flood Zone 1 on the Environment Agency Flood Maps.

2.0 Relevant Planning History

21/02680/OUT Outline application with all matters reserved (except for the means of access) for erection of 3 dwellings following the demolition of Broadlands; includes amendment to existing vehicular access and associated works – granted 25.06.2022

3.0 The Proposal

The proposal seeks reserved matters (including appearance, landscaping, layout and scale) for the erection of 3 detached dwellings following the demolition of Broadlands. The site benefits from outline consent which included permission for the proposed site access (to be widened to allow for 2-way traffic) with turning provision off a shared private drive. Each dwelling would be served by off street parking spaces and a private rear garden. Detached garages are proposed to serve two of the proposed dwellings (Plots 1 and 2).

Proposed materials would comprise red bricks (Wienerberger Hartlebury Oast Russet Sovereign) and grey roof tiles (Marley Duo Edgemere Interlocking).

Revised plans have been submitted since the application was submitted to reduce the proposed property sizes, increase offsets (from the adjacent dwelling 'Aldershay') and to be more similar to the indicative proposed site layout submitted with the outline application.

The application has been considered on the basis of the following:

- FB22-1106 EX03 Existing Site Sections
- FB22-1106 EX02 Existing Site Plan
- FB22-1106 EX01 Existing Location and Block Plans
- Design and Access Statement 23.12.2023
- Arboricultural Method Statement Rev B 29.03.2022
- FB22-1106 PL01-C Proposed Location and Block Plans
- FB22-1106 PL02-C Proposed Site Plan (amended plan received 28.03.2023)
- FB22-1106 PL03-C Proposed Site Sections
- FB22-1106 PL04-C Proposed Ground Floor Plans
- FB22-1106 PL05-C Proposed First Floor Plans
- FB22-1106 PL06-C Proposed Roof Plans
- FB22-1106 PL07-C Proposed Elevations – House 1
- FB22-1106 PL08-C Proposed Elevations – House 2
- FB22-1106 PL09-C Proposed Elevations – House 3

4.0 Departure/Public Advertisement Procedure

Occupiers of 8 neighbouring properties have been individually notified by letter.

Site visit undertaken on 21.01.2022 and 07.03.2023.

5.0 Planning Policy Framework

Farnsfield Neighbourhood Plan 2016-2033

FNP1: Housing development within the village envelope of Farnsfield

FNP2: Infill development within the village envelope

FNP7: The quality of development

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 Settlement Hierarchy

Spatial Policy 2 Spatial Distribution of Growth

Spatial Policy 7 Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 Sustainable Design

Core Policy 10 Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

DM5 Design

DM7 Biodiversity and Green Infrastructure

DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

NSDC Residential Cycle and Car Parking Standards and Design Guide SPD (2021)

6.0 Consultations

Farnsfield Parish Council – Object as the proposed is contrary to FNP2: New dwellings on infill plots within the village envelope. The submitted layout will create a sense of enclosure for the neighbouring property and would therefore negatively impact the enjoyment of their amenity space. Due to the mass of the proposed property this will create a feeling of “being overlooked” by neighbouring properties.

Access to this site is compromised with the change of speed and discharge onto the main road. The revision of access does not alleviate this concern.

The scale and landscape of the proposed design does not take into account the character of the village and the surrounding properties and does not consider its effect of its effect on the impact on the entry of the Village. The extent of blank masonry and the overall mass and scale of the proposed development could be unpleasant at the entrance to Farnsfield. The proposal is not “sympathetic to local character and history” including the character of the surrounding countryside. The design policies outline that developments should reflect local aspirations and will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development”. Farnsfield Parish Council does not feel that the proposed development will be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping”. While design issues might be solved by conditions or revised proposals, these could not remedy the scale of the “development” in relation to the existing dwellings.

In conclusion, this planning application is unsympathetic to its location on the edge of the village. The build is conflicting with the design of surrounding households and would have an overbearing and negative effect on neighbouring properties and therefore their privacy.

NCC Highways Authority – No objection. Sufficient useable on-site car parking, with the ability to charge electric vehicles is provided. Each property also has cycle parking, albeit it appears it will be unsheltered which would not encourage cycling, as bicycles would be open to the elements. This however can be easily rectified by way of a pre-occupation condition.

NSDC Tree Officer – no objection confirmed verbally.

Representations have been received from 2 local residents/interested parties (it is noted that these representations relate to concerns from the occupier(s) of the same neighbouring dwelling).

The reasons set out in the letters of representation received prior to the amendment of the application, are summarised as follows:

- Agreement in principle but the proposed height, bulk and scale constitutes overdevelopment
- Terracing effect not benefitting edge of settlement location
- Loss of outlook / blank wall / sense of enclosure to detriment of residential amenity
- Poor design, building too close to a boundary

One letter of representation was received post amendment of the application (which has moved the position of the proposed dwelling further away from the boundary alongside relocation of the proposed detached garage adjacent to the boundary) which state that the scheme is a much improved housing proposal - however, the detached garage would be too high.

Further amended plans have been received since the receipt of these comments which reduce the proposed roof pitch and repositioned the proposed garage further forward on the plot. Reconsultation with the neighbouring dwelling has been triggered and if any further comments received, they will be reported via Late Items.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The principle of development has been established through the granting of outline planning permission (application no 21/02680/OUT) in June 2022.

This decision-making process included consideration of the issues previously raised at outline stage by Farnsfield Parish Council in relation to their preference for a single property in this location. It is neither necessary nor appropriate to appraise any issue relating to the principle of development or access to the site at this reserved matters stage as the outline decision considered that the site was capable of accommodating 3 two storey dwellings.

It is however important that the detailed reserved matters relating to scale, layout, landscaping and appearance can satisfy the relevant aspects of the District's development plan. It is also necessary for the reserved matters application to comply with the conditions attached to the outline consent. For the avoidance of doubt the conditions attached on the outline application (summarised in the table below) would remain relevant to the development and therefore their repetition is not necessary in any reserved matters approval.

Outline planning consent condition	21/02680/OUT Requirement	Reserved Matters (RM) Compliance
1	Time limit RM to be submitted within 3 years	Submission date complied with.
2	Development to begin not later than 2 years of approval of last RM	Timescales for commencement to be complied with.
3	RMs to be submitted and approved	To be complied with prior to the commencement of development
4	Dwelling no more than 2-storey	To be complied with – RM proposed 2 storey dwellings.
5	Access construction	To be complied with prior to use/occupation of development.
6	Provision of visibility splays	To be complied with prior to the occupation of development.
7	Amended dropped vehicular footway	To be complied with prior to the occupation of development.
8	Arboricultural Method Statement	To be submitted at reserved matters stage – an Arboricultural Method Statement has been submitted
9	Details of bird and bat boxes	To be submitted at reserved matters stage – the proposed elevations illustrate the proposed location of the require boxes
10	Site clearance outside of bird nesting season	To be complied with.

Impact on Visual Amenity and Character

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Policy FNP2 of the Neighbourhood Plan (Infill Development Within the Village Envelope) supports new dwellings on infill plots within the village envelope where they would have no adverse impact on the amenity of neighbouring properties; the access and car parking requirements of the proposal can be appropriately addressed without the potential for adverse impact in the locality; it would respect the scale and character of the village (as defined within the Farnsfield Character Appraisal, January 2017) and it would include measures to maximise the sustainability of development and to encourage biodiversity. Policy FNP7 of the Neighbourhood Plan states that new development within Farnsfield should demonstrate how it has taken into account the character of the village in its design approach, specifically in relation to scale, materials, density, landscape and designing out crime.

The site is very visible, located on the junction of Southwell Road and Esam Road which is the entrance to a new housing development. The existing plot which contains a single bungalow and detached garage is wider than adjacent plots and sits between 2-storey dwellings. The proposed development would split the existing site into three and the resultant size of each plot would become more similar in size to adjacent plots. As such, the proposed layout is considered to be in keeping with the character and layout of other dwellings in the immediate vicinity.

The introduction of three 2-storey dwellings would alter the current appearance of the site. The development would be more prominent in the street scene due to the proposed increased scale of the development. In addition, the new access and turning area (approved at outline stage) combined with the proposed parking spaces would result in a more engineered frontage to the site than that which currently exists. However, this hardstanding would sit behind the protected trees and hedge which runs along the frontage of the site, which would be retained as part of the development (in addition to the triangular shaped grassed area, which sits adjacent to the Esam Close junction). This would soften this impact. The scale of the proposed dwellings would also be similar to that of adjacent dwellings (as demonstrated in the proposed street scene below) and the dwellings would roughly follow an informal building line formed by the existing dwellings located to the east of the site. Whilst the dwellings would sit forward of the adjacent dwelling (Aldershay to the west), the buildings are staggered to help reduce this contrast and existing trees and landscaping located to the front of adjacent dwellings located to the west of the site would also partially screen views of the site when travelling east along Southwell Road.



Extract from Drawing No FB22-1106 PL03-C

The submitted plans show additional tree planting adjacent to the frontage of the site. This would increase the level of filtered views of this site. A condition requiring a more precise landscape scheme is recommended.

The proposed design of the dwellings would be modern in appearance, albeit does contain some traditional features such as chimneys. The Agent was asked if a more traditional farmhouse design/design more reflective of the historic buildings located in Farnsfield could be considered. However, such an amendment has not been forthcoming and given that the site is not located in a Conservation Area nor in the immediate setting of any designated heritage assets, there are no planning grounds to insist on this design approach. The proposed red brick and grey tiled roofs would be in keeping with similar dwellings in the area. As such, the proposed design is considered acceptable and would be in keeping with the design of dwellings located near to the site.

Overall subject to conditions, the proposed development is considered to respect the character of the area and no detrimental adverse impact upon visual amenity would result in accordance with the requirements of Core Policy 9, and Policies DM5 of the DPD.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Policy DM5 also states that new development that cannot be afforded an adequate standard of amenity or creates an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The side of No 1 Esam Close is located immediately to the east of the application site. The side of this dwelling contains no windows. Whilst overlooking from the proposed rear windows towards the rear garden may be achievable, this would not result in a materially worse overlooking impact over and above existing levels. As such, it is considered that an acceptable relationship between No 1 and the proposed dwelling can be achieved.

Aldershay is located immediately to the west of the application site. It contains a secondary bedroom window in its 1st floor side elevation, in addition to windows at ground floor level (albeit separated from the application site by a 1.8 m high approx. close-boarded fence). The 1st floor window in Aldershay would overlook the rear gardens of the proposed dwellings. The 1st floor windows in the more recently constructed dwellings partially overlook the application site also. The nearest first floor bedroom window would be located less than 14 metres away from the secondary bedroom window in Aldershay. However, these views would be oblique and partly obscured by the proposed louvre (to prevent views sideways) shown on the proposed plans and the position of the detached garage. In addition, a degree of overlooking between properties in more suburban areas is not unexpected and it is not considered that a material adverse overlooking impact would result upon the future occupiers of the proposed dwelling (to justify refusal of the application).

The set forward of the proposed dwellings in relation to the position of Aldershay, would assist in ensuring no adverse overbearing impact would result upon the window in the side of Aldershay or its rear garden. Whilst the side of the proposed dwelling would be visible from the front windows of Aldershay, I do not consider this would result in material adverse impact on the current open aspect of this property given the separation distances and position of existing development. The proposed garage serving Plot 1 would be located close to the boundary and would largely sit forward of the windows in the side elevation of Aldershay. As such, it is not considered that the proposed garage would result in any adverse overbearing or loss of light or outlook impact.

The side of No 2 Halifax Place and side/rear of No 3 Halifax Place are located to the rear/north of the application site. There is separation gap of 18 metres approx. between the rear of the nearest proposed dwellings and the side of No 2. A separation gap of 25 metres is provided between the rear of the nearest proposed dwelling and the rear of No 2. These separation distances are considered acceptable. Again, whilst overlooking between gardens may be achievable, it is not considered that this would be at a level materially worse than existing levels of overlooking experienced by existing occupiers in the vicinity.

The proposed layout would provide an adequate amount of private amenity space for future occupiers.

It is recommended that a condition be imposed to ensure that bathroom windows (some of which are proposed on side elevations) are obscure glazed and non-opening below 1.7 metres floor level to prevent overlooking between dwellings. It is also recommended that a condition is imposed to remove certain permitted development rights to control future extensions and for means of enclosure. This is due to the close proximity of dwellings adjacent to the site and to ensure that any future fencing that could be erected within the site retains the current open and green aspect of the site and does not give rise to any adverse visual impact.

Overall, subject to conditions relating to obscure glazed windows and the provision of the louvre, it is not considered that the proposal would have a significant adverse impact on neighbouring dwellings in accordance with Policy DM5 of the DPD.

Impact on Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The outline consent requires an Arboricultural Method Statement to be submitted with the application. The trees along the site frontage are protected by Tree Preservation Order (TPO). Following a review of the submitted Statement, the Tree Officer raises no objection to the application. Outline condition 8 ensures compliance with the submitted Method Statement to ensure that the TPO trees would not be adversely affected by the proposed development.

The removal of a 7.4m (approx.) section of hedgerow between the existing driveway and the edge of the TPO tree canopy was approved at outline stage. It was acknowledged that this loss is regrettable; however it is considered that appropriate mitigation for its loss can be secured through compensatory planting on and around the proposed site. The proposed landscape scheme condition would ensure additional planting (including tree planting) is secured to mitigate this loss.

Overall, subject to conditions it is not considered that the proposed development would result in any adverse impact on trees of the area in accordance with Core Policy 12 and Policy DM5.

Impact on Highways and Parking

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

The proposed access arrangements were appraised and considered acceptable at outline stage. Each dwelling would have 4 bedrooms, which requires each dwelling to provide 3 parking spaces. If the parking space proposed within the proposed garage is counted, plots 1 and 2 would have enough off-street parking for 4+ cars. Plot 3 would be served by 3 parking spaces. The amount of parking provision and manoeuvring space for each of the plots is therefore considered acceptable.

Subject to a condition relating to cycle parking (as requested by the Highways Officer), the proposed development would not result in any adverse impact upon highway safety in accordance with the requirements of Spatial Policy 7 and DM5.

Other

The impact on biodiversity was appraised and considered acceptable at outline stage.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The site benefits from an extant outline consent for the proposed development. The reserved matters submission is therefore considered acceptable with regards to impact on visual amenity and is compliant with the parameters defined at outline stage. The application is not considered to result in any adverse impact upon visual amenity, residential amenity, highway safety, trees or ecology subject to conditions (some of which were previously imposed at outline stage). As such, the recommendation is for approval as set out below.

10.0 Conditions

That Reserved Matters approval is granted subject to the following conditions:-

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents references:

- FB22-1106 PL01-C Proposed Location and Block Plans
- FB22-1106 PL02-C Proposed Site Plan (amended plan received 28.03.2023)
- FB22-1106 PL03-C Proposed Site Sections
- FB22-1106 PL04-C Proposed Ground Floor Plans
- FB22-1106 PL05-C Proposed First Floor Plans
- FB22-1106 PL06-C Proposed Roof Plans
- FB22-1106 PL07-C Proposed Elevations – House 1

- FB22-1106 PL08-C Proposed Elevations – House 2
- FB22-1106 PL09-C Proposed Elevations – House 3
- Arboricultural Method Statement Rev B 29.03.2022

Reason: So as to define this permission.

02

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

03

Notwithstanding the submitted information, no dwelling hereby permitted shall be occupied until further details of proposed sheltered cycle parking has first been submitted to and approved in writing by the Local Planning Authority. Thereafter each dwelling shall be provided with the approved cycle parking details prior to the first occupation of each dwelling and retained for the lifetime of the development.

Reason: In the interests of sustainable travel, and to ensure adequate on-site car parking is provided to deter on street parking on Southwell Road in the interests of highway safety.

04

No dwelling shall be occupied until the features listed below have been installed for that dwelling in accordance with the details contained on the relevant approved plans listed in Condition 1.

- bat block/brick and swift nest box;
- louvre;
- chimneys.

These features shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity, visual amenity and residential amenity.

05

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- means of enclosure;

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, aside from that approved following submission of information under condition 05.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in the interests of visual and residential amenity.

08

The first-floor bathroom windows on each dwelling shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This

specification shall be complied with before the dwelling is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

BACKGROUND PAPERS

Application case file including the outline consent file 21/02680/OUT.

Committee Plan - 22/02469/RMA

