

Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 23/353)

PROPOSAL:	Erection of four dwellings
LOCATION:	Land 50 Metres East of St Madoes Church, St Madoes

Ref. No: [22/01815/FLL](#)
Ward No: P1 - Carse

Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan. The recommendation has also been made in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to obtain a detailed planning permission for the erection of four dwellings, on an infill site within the settlement boundary of St Madoes. The site is adjacent to the St Madoes Church and its associated graveyard and would be accessed via an existing private access which is shared with a number of other residential properties. The site slopes south to north and has a scattering of trees along the southern and eastern boundaries.
- 2 All four dwellings are slightly different from one another in design, but they all share the same design principles which is a modern style with traditional features incorporated therein. The external finishes will be a mix of slate, timber larch cladding features, stone and smooth render. Three of the four plots have attached garages (2 singles and one double), with Plot 2 having a detached single garage. Plot 1 will have an access directly off the existing private access, whilst the three others will take their individual accesses from a new private entrance access – which means that two new accesses will be formed off the existing private access.
- 3 The dwellings will offer living accommodation over two levels, with the upper level within the roof space via the use of rooflights and dormer windows.
- 4 To the southwest of the site, within the graveyard is copper beech tree, which although is not subject to a tree preservation is considered to be an exceptional

specimen. Running north to south is existing Scottish Water infrastructure, which has influenced the layout and position of the dwellings due to the requirement of Scottish Water to have wayleave areas.

Pre-Application Consultation

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

- 7 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 3: Biodiversity
 - Policy 7: Historic assets and places
 - Policy 14: Design, Quality and Place
 - Policy 16: Quality Homes

Perth and Kinross Local Development Plan 2 (2019)

- 9 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The site is located within the settlement boundary of St Madoes, where the following policies are applicable,
 - Policy 1: Placemaking
 - Policy 5: Infrastructure contributions
 - Policy 17: Residential Areas
 - Policy 27: Listed Buildings
 - Policy 31: Other Historic Environment Assets

- Policy 32: Embedding low and zero carbon generating technology in new development
- Policy 40: Trees
- Policy 41: Biodiversity
- Policy 53: Water environment and drainage
- Policy 60: Transport Standards and Accessibility requirements

Statutory Supplementary Planning Guidance (SPG)

10 The following statutory SPGs are applicable to this proposal,

- Developer Contributions and Affordable Housing (2020)
- Placemaking Guide (2020)
- Open Space for New Developments

NATIONAL POLICY AND GUIDANCE

11 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Of relevance to this proposal are the following;

Planning Advice Notes

12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

National Roads Development Guide 2014

13 This document supports Designing Streets and expands on its principles and is the technical advice that should be followed in designing and approving of all streets including parking provision.

OTHER PKC POLICIES

14 The following non-statutory Planning guidance are applicable to the proposal:

- Planning for Nature (2020)

SITE HISTORY

- 15 A previous detailed planning application on the site (22/00266/FLL) was withdrawn by the applicant prior to determination, following advice by the Council. That advice related to required changes to the internal vehicular access arrangements, and the need for ecology and tree work to be undertaken.

CONSULTATIONS

- 16 As part of the planning application process the following bodies were consulted:

External

- 17 **Scottish Water:** No objection to the proposal in terms of capacity issues, however they have indicated that there are existing Scottish Water assets in the area which need to be fully considered.
- 18 **Dundee Airport:** No objection to the proposal in terms of aviation safety.
- 19 **Perth and Kinross Heritage Trust:** No objection to the proposal in terms of local archaeology interests, but they have recommended a standard condition is attached.

Internal

- 20 **Transportation and Development:** No objection to the proposal in terms of the proposed vehicular access and provision.
- 21 **Development Contributions Officer:** No requirement for any contributions towards affordable housing, but contributions are required per dwelling towards transportation infrastructure.

REPRESENTATIONS

- 22 Nineteen representations were received, of which 17 are objecting to the proposal and two are offering support. In terms of the objectors, the main issues raised within their representations are,

- Proposal is contrary to the Development Plan
- Impact on visual amenity
- Impact on listed building
- Impact on residential amenity
- Impact on biodiversity
- Impact on road and pedestrian safety

- 23 These issues are addressed in the Appraisal section of the report.

24 In terms of the letters of support, these suggest that the proposal would enhance the area and would result in environmental improvements from the site's current condition.

ADDITIONAL STATEMENTS

25

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)/ Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecology Surveys, tree survey and drainage information.

APPRAISAL

26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the LDP2 and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

27 In terms of other material considerations, this involves considerations of the Council's other non-statutory policies and supplementary guidance, namely Planning for Nature as well as the site's recent planning history.

28 In addition to this, the Council is obliged to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 59 of this Act places a duty on planning authorities in determining applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy

29 There are relevant policies contained in all parts of the Development Plan.

30 Within the NPF4, Policy 3 (biodiversity) places biodiversity front and centre of all planning decisions, whilst Policy 14 (Design, Quality and Place) encourages and promotes a high standard of design for all new developments. Policy 16 (Quality Homes) looks to promote the delivery of high-quality homes, with an emphasis on affordable and Policy 7 (Historic assets and places) looks to protect our historic heritage assets.

- 31 In terms of the LDP2, the site is located within the settlement boundary of St Madoes adjacent to a listed building, where Policies 1 (Placemaking), 17 (Residential areas) and 27 (Listed Buildings) are applicable. Policy 1 seeks to ensure that all new developments do not have an adverse impact on the areas in which they are located, whilst Policy 17 offers support for infill opportunities within settlements providing, they are compatible with existing residential uses, do not adversely existing amenity and is at a density which is the most efficient for the site. In addition to these policies, polices 40 (Trees) and 41 (Biodiversity) are also relevant and look to ensure that both trees and bio-diversity interests are fully considered during the consideration of planning applications. Policy 31 (other historic environment assets) also looks to safeguard non-designated historic assets.
- 32 In terms of the Council's statutory SPGs, the policies on Developer Contributions, Placemaking, and Open Space are all applicable to this proposal.

Land Use Acceptability

- 33 The site is located within the settlement of St Madoes, on land which is not allocated for any specific purposes, and which is in a residential area, with some other compatible uses (the Church). Policy 17 of the LDP2 states that new development within settlements on such sites will be generally encouraged providing they fall into one of more of the specific categories of development which are listed under Policy 17, and that the development proposed is compatible with the amenity and character of the area concerned.
- 34 The principal criteria listed under Policy 17 is that infill development will be supported, providing the development is at a suitable density and that the design and layout respects the sites existing environs – which includes visual and residential amenity.
- 35 As the proposed use (residential) is entirely compatible with the surrounding land uses, the principal consideration for this proposal is not the land use implications of the proposal (residential), but whether or not the density, layout and general design is acceptable or not, within the context of its historic setting.

Visual Amenity, Design and Layout

- 36 The development collectively is of a high standard in terms of the style and design of the of dwellings, and materials proposed. As is often the case when vacant sites come forward, there would be a noticeable impact on the visual amenity of the area as a result of the development taking place, however visibility alone is not reason for rejecting an application. The key test is whether or not the resultant impact is adverse or would introduce an incongruous development into the area concerned.

- 37 The surrounding area is a mix of house types, with both traditional and modern dwellings being present in the close vicinity that range in heights from single storey to full two storey properties. There is no absolute building pattern in the area, with a mix of large and small gardens, and a number of developments accessed via shared private vehicular accesses.
- 38 The proposal offers a well-balanced small residential development, which does maximise the site in terms of its density and numbers but at the same time it delivers a site which accords with both the principal placemaking standards and the requirements of the National Roads Development Guide, in terms of safe and suitable vehicular access arrangements and appropriate parking. All the proposed plots have plot ratios less than the recommended 25% (including garages), and whilst some of the depths of gardens are slightly less than the Councils' recommended standard of 9m at certain points the principal usable areas are largely in excess of this distance. More than 100sq m of usable area is delivered across all four plots. The areas where the 9m is slightly reduced, there is no overlooking concerns to existing properties as the areas back onto the church yard boundary – which is bounded by a large existing wall.
- 39 Whilst not a planning issue as such, it should be noted that the layout of the development has been influenced by existing Scottish Water infrastructure which runs south to north, along the eastern edge of the site, where the internal access is proposed. The requirements for wayleaves etc will mean that principal development (ie a house) will not be permitted within the constraint area, which is effectively the internal access.
- 40 Overall, the proposal raises no issue in terms of visual impact or design, and layout matters – subject to some minor amendments which will be secured by conditions. The proposal is therefore considered to be consistent with design and placemaking requirements of Policy 14 of the NPF4, Policies 1 and 17 of the LDP2 and also the SPG on Placemaking.

Residential Amenity

- 41 In terms of the impact on existing residential amenity, the separation distances between the proposed dwellings and the existing will ensure that overlooking and loss of privacy does not occur to an unacceptable level.
- 42 Furthermore, in relation to the internal interaction between the proposed dwelling, there would be some interaction between the proposed dwellings, however the design, positioning and orientation of the dwellings of the plots has looked to minimise this as much as possible.
- 43 There are however two areas of interaction which could be improved. On Plot 4 and 1 there are balcony features which would be reasonably close to neighbouring rear gardens. Balconies tend to offer an avenue for a greater degree of usability than a typical window, and as such these elements could

result in an increased level of overlooking which is avoidable by a minor alteration to these features to a regular window. A condition is recommended to address this (Condition 9).

- 44 In addition to this, new internal landscaping and boundary features will assist in providing privacy for the individual plots from others.
- 45 In all, the development will respect existing residential amenity and provide a suitable residential amenity environment for future occupiers of the dwellings. The proposal therefore accords with the general principles of the Placemaking Guide SPG, and also requirements of Policies 1 and 17 of the LDP2, which looks to protect residential amenity.

Impact on Listed Building

- 46 The application site is immediately adjacent to St Madoes Church and its walled graveyard, which are listed Category B. A number of the representations have made reference to the potential adverse impact that the development would have on the setting of Church and its associated graveyard. In support of the application, the applicant has provided a series of sections through the site which demonstrate the likely impact that the development would have on the church, and its setting. These sections show that the combination of a distinct change in levels between the site and the church which is on higher topography, would mean that the development would sit considerably lower and would not over dominate or oppress the church, and its historic setting. The fact that the 'setting' is already surrounded by other development (existing houses) is a material consideration, as is the fact that the design of the dwellings proposed are of a high standard.
- 47 It is accepted that the nature of the development (i.e. something new) would impact on the setting of the church from its current state, however that impact is not necessary considered to be an adverse one. As such, the ultimate recommendation of approval is considered to be consistent with the requirements of the PLBCA, and the requirements of Policy 7 of the NPF4 and Policy 27 of LDP2.
- 48 A condition is recommended in relation to the proposed new landscaping along the western edge of the site to ensure that long term access and maintenance of outside of the wall can be undertaken, and that the structural integrity of the wall is not jeopardised by inappropriate planting. A condition is recommended to address this (Condition 7).

Local Archaeology

- 49 There are some known local archaeology interest in the area, largely associated with the adjacent church. A standard condition in relation to programme of

archaeology work is therefore recommended (Condition 10). This therefore meets the requirements of Policy 31 of LDP2.

Roads and Access

- 50 The applicant has taken on board comments made during the consideration of the previous planning application, which has resulted in the redesign and positional changes for Plots 2 and 3, and the parking provision increased for each dwelling.
- 51 Access from the development site onto the public road network is via an existing shared private track currently used by the residences around Kirkwood House. The private access then leads directly onto the C484. Two new accesses to the private track are proposed, one directly for the driveway of Plot 1 and the second to be a shared entrance to Plots 2-4. The design statement also indicates that a passing place will be created adjacent to the driveway for Plot 1 – all of which is acceptable, and in line with current standards.
- 52 Four parking spaces will be provided for Plot 4. Plots 1-3 provide three parking spaces each. There are also two visitor spaces within the shared courtyard. The level of parking proposed meets the requirements of the National Roads Development Guide, and overall, the proposal raises no issues in terms of access or parking related matters. The proposal is therefore considered to accord with Policy 60 of LDP2.

Drainage and Flooding

- 53 In terms of flooding issues, the proposal raises no issues and is not subject to any known constraints. In terms of surface water issues, the applicant is proposing to dispose of surface water into an existing Scottish Water surface water sewer, which is separate from the foul sewer.
- 54 It is proposed that surface water arising from hard surfaces, including roofs and driveways will be conveyed by gravity via filter drains and permeable paving to the existing surface water sewer at the northern end of the site. The technical details of the system, including the discharge rates will need to be agreed with Scottish Water through their technical approval process, and the potential grant of this planning application will not prejudice Scottish Water's own assessment. A condition is recommended to seek clarification from the applicant once a final approval on the design has been agreed with Scottish Water (Condition 6). The proposals are therefore considered to accord with Policy 53 of LDP2.

Waste Collection

- 55 The presentation of waste and recycling bins will be at the public road. Internal storage areas are proposed, which are considered acceptable.

Open Space

- 56 The Council has produced statutory SPG on Open space provision for new developments. This proposal is small in terms of its number of units (4) and it would be unreasonable to require areas of public open space as part of this development, onsite play provision or off-site contributions in lieu of onsite provision. A small pond area has been included within the development at the northern end of the site which will remain private but will add degree of wild space to the development. Clarification on the planting within this area will be sought via condition, as well the long-term maintenance regime of this area (Condition 8).

Natural Heritage and Biodiversity

- 57 A general ecology survey of the application site and up to 200m of the site has been undertaken by a suitably qualified consultant. This survey assessed the habitat and protentional for protected species including badger, bats, otters, pine martens, red squirrels and reptiles, and an assessment of the likelihood of their presence undertaken. Local wildlife was also surveyed. In addition to the ecology survey, two other separate surveys and associated reports have been undertaken and prepared in relation to bats, and breeding birds.
- 58 The outcome of the surveys is that it is not likely that any European Protected Species (EPS) licences will be required, and that the impact on both protected and local wildlife can be adequately mitigated against through the use of conditions. The ecology report also suggests some additional biodiversity enhancements, and these will be delivered through conditions (Conditions 3, 4 and 5).
- 59 Subject to these conditional requirements, the proposal is considered to be in line with the biodiversity requirements of both Policy 3 of the NPF4 and Policy 41 of the LDP2.

Impact on Existing Trees

- 60 To the southwest of the site, within the graveyard of the church is a mature copper beech. Although this tree is not subject to a tree preservation order it is considered to be of exceptional quality. This tree has been inspected, and the development proposed will not directly impact on the tree and the wall of the graveyard will provide a natural protection from the development proposed.
- 61 In terms of other trees within, and along the boundaries of the site a tree survey has been undertaken which has established 11 individual trees, and 6 small group of multi stemmed trees. The survey indicated that 1 individually tagged tree will be removed, as well as all the groups of trees – which include woody bushes and shrubs. Any value attached to the trees being removed would be linked to bio-diversity interests (which has been assessed), and their visual

amenity value is low. The two trees which have been identified of visual amenity value are located within the graveyard and are not other threat by the development.

- 62 As part of the development, compensatory planting will be agreed to mitigate for the loss of the trees (Condition 7), and subject to this the proposal is considered to be consistent with Policy 40 of the LDP2 in respect of tree issues.

Graveyard Implications

- 63 With the representations, a number of concerns have been raised in relation to the compatibility of new housing in close proximity of a graveyard, which has recent burials and is frequently visited by friends and families of the deceased. This is an extremely sensitive and emotional issue, however graveyards across Perth and Kinross are often located in close proximity to housing – some historic, and some more recent additions. In planning terms, both are considered to be compatible with one another and it would be a reasonable exception that the occupiers of the dwellings would be respectful to their neighbours.

Overhead lines

- 64 There are several electricity and utility overhead lines crossing the site. It will be the applicant's responsibility to address the required relocation of these with the appropriate regulatory bodies. The potential grant of a planning application will not prejudice the technical process for this.

Embedding Low and Zero Carbon Generating Technology

- 65 Policy 32 of the LDP2 states that all proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards, and that this will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement, and this is secured by condition. 11.

Developer Contributions

- 66 The proposal is for less than 5 dwellings, so there is no requirement for any affordable housing provision. In terms of Primary Education, the local primary school (St Madoes) is currently not operating at over its 80% capacity so there is no requirement for developer contributions in relation to education.
- 67 There will however be a requirement for developer contributions in relation to Transport Infrastructure (£14,628) and this will be required to be secured prior to the release of the decision notice. This could either be via upfront payment or via s75 legal agreement. This would therefore be in accordance with Policy 5 Infrastructure Contributions of LDP2.

Economic Impact

- 68 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 69 A minor variation to the application took place during the consideration of the application, which involved the addition of a small pond at the northern end of the site. Due to the minor nature of the variation, there was no requirement for any re-neighbour notifications.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 A legal agreement may be required if the applicant opts to delay payment of the required Transport Infrastructure contributions.

DIRECTION BY SCOTTISH MINISTERS

- 71 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 72 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the LDP2 and statutory SPGs. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

RECOMMENDATION

Delegated Approval, subject to the settlement of Developer Obligations and the following conditions:

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents

2. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019

3. All recommendations and mitigation measures contained in Section 6 of the ecology survey, approved as plan no 31 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

4. All recommendations and mitigation measures contained in Section 6 of the breeding bird survey, approved as plan no 26 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

5. All recommendations and mitigation measures contained in Section 7 of the bat survey, approved as plan no 26 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

6. Prior to the commencement of the development hereby approved, precise details of the final surface water design solution shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure the site is adequately drained

7. Prior to the commencement of the development hereby approved, details of the proposed landscaping and planting scheme shall be submitted to and approved in writing by the Council as Planning Authority. These details shall include specific reference to a) the bio-diversity requirements of Conditions 3-5, b) appropriate compensatory planting to mitigate for the tree removals, and the proposed landscaping along the eastern boundary adjacent to graveyard wall. The approved details shall be implemented progressively as the development proceeds and completed in full prior to the occupation of the last dwelling. Any planting which fails within the first 5 years shall be replaced within the next available season on a 'like for like' basis, in line with the approved details.

Reason: in order to promote visual amenity and bio-diversity interests, and to ensure access to the listed wall.

8. Prior to the commencement of the development hereby approved, precise details of the long-term maintenance of the pond area shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In the interest of proper site planning.

9. The southern most balcony on Plot 4 on the rear elevation, and the balcony to the rear of Plot 1 are not approved. Prior to the commencement of the development hereby approved, amended elevations for both plots which replaces the balconies with a regular window shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that residential amenity is protected.

10. Prior to the commencement of the development hereby approved, the developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted to and approved in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In order to protect and preserve local archaeology interests.

11. Prior to the commencement of the development hereby approved, a statement shall be submitted to and approved in writing by the Council which demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The approved details shall thereafter be implemented.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019)

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to

commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 19 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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