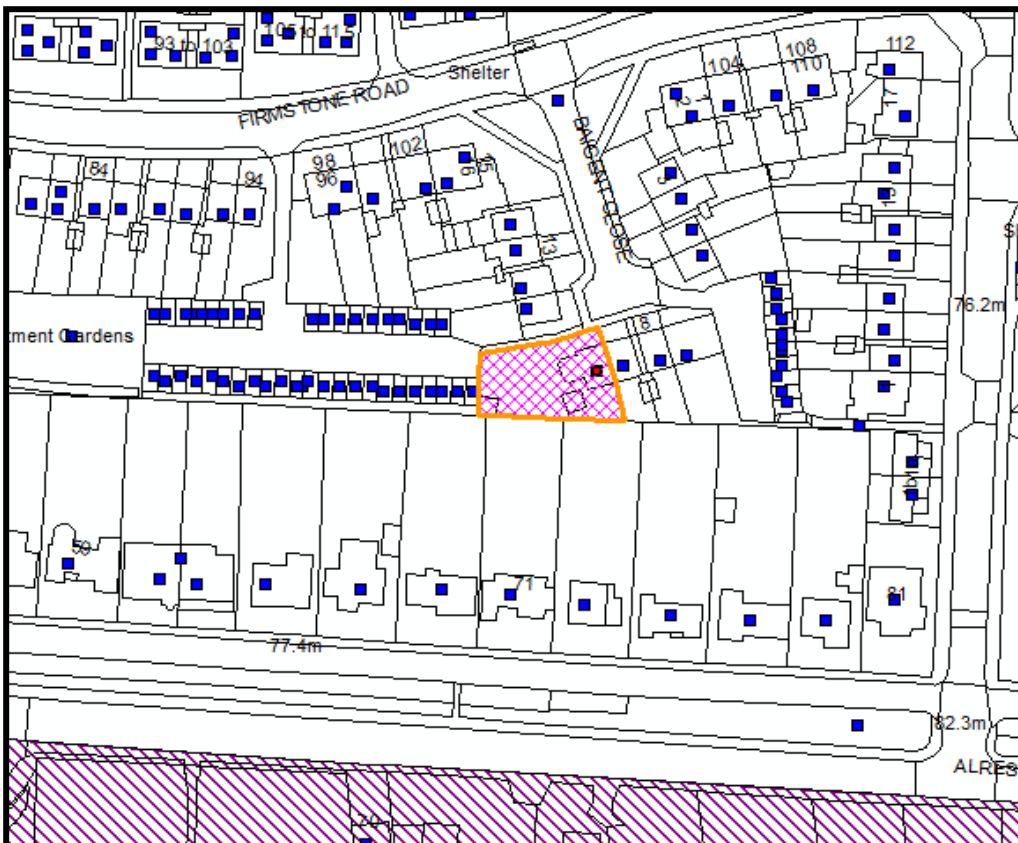


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Case No: 23/02742/FUL
Proposal Description: Proposed new dwelling attached to no.10 Baigent Close. Demolition of existing outbuilding and proposed outbuilding within the garden of proposed dwelling.
Address: 10 Baigent Close, Winchester, Hampshire, SO23 0PE
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Arculus Scott Residential Limited
Case Officer: Catherine Watson
Date Valid: 14 December 2023
Recommendation: Application Permitted
Pre-Application Advice No

Link to Planning Documents

[Link to page – enter in reference number: 23/02742/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

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The development is recommended for permission as it is considered that it will be in keeping with the character and appearance of the area in accordance with Policies DM15 and DM16 of the LPP2 and would not cause material harm to neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

Proposed access and parking area via the Council garage block removed from proposals and amended plans submitted on 3rd April 2024 following an objection from the Council's housing department.

Site Description

The site is an existing residential plot situated on Baigent Close, within the Winchester suburb of Winnall. The existing dwelling forms the westernmost property within a terrace of three. Baigent Close is a small cul-de-sac accessed from Firmstone Road and is characterised by small groups of terraced properties. To the west of the site is a group of 43 garages which are owned by the Council. The ground gently slopes from north to south and east to west.

Proposal

The proposal is for the erection of a new dwelling, to be attached to the side of no 12 and which will result in a terrace of four dwellings. An outbuilding is also proposed, along with designated garden and patio area.

Relevant Planning History

None.

Consultations

Service Lead – Engineering (Drainage) -

- No objection, subject to standard pre-commencement condition.

Service Lead – Estates –

- Objection to new vehicular access through the WCC garage block.

Representations:

City of Winchester Trust

- Neutral.

7 Objecting Representations received from different addresses citing the following material planning reasons:

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- Overshadowing neighbouring gardens;
- Overlooking to neighbouring gardens;
- Parking issues;
- Future noise from occupiers of new dwelling;
- Overdevelopment of the area;
- Impact on the existing sewer system.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

- Air Quality
- Appropriate assessment
- Climate change
- Community Infrastructure Levy
- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Flood risk and coastal change
- Housing supply and delivery
- Natural environment
- Renewable and low carbon energy
- Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- DS1 – Development Strategy and Principles
- WT1 – Development Strategy for Winchester Town
- CP1 – Housing Provision
- CP2 – Housing Provision and Mix
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019

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High Quality Places 2015
Air Quality Supplementary Planning Document 2021
Residential Parking Standards 2009

Other relevant documents

Winchester District Local Plan 2020-2040: Regulation 19 Consultation
Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
Nature Emergency Declaration.
Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed changes to the NPPF that are currently being consulted on identify an anticipated approach on Government policy. However, as this is only a public consultation document at this stage, it does not yet hold substantial material weight.

The Regulation 19 Local Plan as now agreed by Full Council can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption.

The proposal consists of a new residential dwelling attached to the end of the existing terrace of three dwellings. It will be constructed in the comparatively large garden of the existing 10 Baigent Close. The site is situated within the town boundary of Winchester where there is a presumption towards sustainable development, including the construction of residential dwellings as stated in policies DS1 of the LPP1 and DM1 of the LPP2. The principle of development is therefore acceptable. The key material considerations are the impact upon the character of the street and wider area and impact upon neighbour amenity, including parking provision.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The design of the proposed dwelling replicates the existing terrace with materials including red brick, concrete hanging fishscale tiles and brown double Roman clay roof tiles. The dwelling is to have 3 bedrooms and a patio extending around the front, side and rear, along with an area of garden to the site and a proposed outbuilding adjacent to the side boundary.

There is a significant drop in ground level from Alresford Road which is to the north of the rear boundary to the site. The garden is partially terraced to accommodate this. The boundary is defined by a close-boarded fence with hedging on the Alresford Road side. It is proposed to construct a retaining wall inside the rear boundary. Along with the

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dwelling, a flat-roofed outbuilding is proposed to be constructed in the western corner of the plot, situated on an existing area of decking. Condition 6 requires details of hard and soft landscaping works to be submitted.

The design of the dwelling is considered to be in keeping with the character of the street and its positioning at the end of the existing terrace is also reflective of the spatial characteristics of Baigent Close. Whilst the development would result in a loss of some of the amenity space for the existing dwelling, and the resultant amenity space for the proposed dwelling would be larger, a small area of garden and patio to the front and rear will remain with the rear to be accessed via a passage as is currently the situation between nos 4-5, 8-9 and 12-13. Condition 3 requires details and samples of materials to be used in the construction to be submitted.

The design and appearance of the proposed dwelling and the proposed spatial arrangements including the amenity areas for the existing and new property are therefore considered to be acceptable and the proposal complies with policies CP13 of the LPP1, DM15, DM16 and DM17 of the LPP2, as well as the High-Quality Places SPD.

Development affecting the South Downs National Park

The application site is located 0.5km from the South Downs National Park

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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

In conclusion therefore, the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No impact. The works do not affect a statutory listed building or structure including its setting, Conservation Areas, archaeology or non-designated heritage assets including their setting.

Neighbouring amenity

A number of local residents have written in response to the proposals as they are concerned about the impact of the development to their amenity.

The nearest property is the adjoining no 9 Baigent Close, as well as the other properties in the terrace (nos.7 and 8). The rear boundary adjoins numbers 71 and 73 Alresford Road however, there is a distance of approximately 34m between the rear of the proposed dwelling and those properties.

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The rear first floor windows serve a bedroom and bathroom. The bathroom window is to be obscure-glazed (condition 5). It is not considered that there would be any direct overlooking from the bedroom window to the main garden amenity spaces to the rear of these properties due to the distance involved. Concerns have been raised due to loss of outlook. Whilst it is the case that there will be a change in the outlook from some neighbouring properties, given the position and orientation, as well as the sloping ground levels, it is not considered that significant harm would be caused in this respect.

The front of the proposed dwelling will be orientated to the north and the rear to the south. It is not considered that there would be any overshadowing impact to the properties on Alresford Road. The nearest property to the north is 11 Baigent Close. The distance between the two properties is approximately 6.5m with the distance between the new dwelling being 2.5m to the boundary with the footpath which runs between the two properties. The front elevation of the faces onto the side elevation of no 11 and therefore any overshadowing will be limited to that area, including the footpath. No part of the proposed building will look towards the garden of no 11 and the garden of the new dwelling will face this. Likewise, any overshadowing impact on no 9 Baigent Close to the east will be limited given the distance between it and the new dwelling. There are no neighbouring dwellings to the west, only the Council garages, so there will be no harmful overshadowing to these.

There will be a degree of noise resulting from the construction of the development however, this will be for a limited time and is commonplace as part of the construction process. Developers are expected to adhere to standard working hours, which have been included as an informative at the end of this report. Any noise nuisance can be reported to the Council's Environmental Protection team.

Issues relating to parking and drainage have been considered below. In summary, it is not considered that the proposal will have any materially harmful impact on residential amenity and it is therefore compliant with policy DM17 of the LPP2.

Sustainable Transport

Existing parking provision for the dwellings on Baigent Close is on the road as the front gardens are laid to lawn and there are no paved areas large enough for a car to park on. It was originally proposed that the new dwelling have a dedicated vehicular access via the Council's garage block to the west which would lead to a single parking space within the curtilage of the dwelling. However, the Council's Estates team have advised that they would be reluctant to allow access through the forecourt for parking. The area is subject to parking permits which are administered by Hampshire County Council. No new permits are issued in respect of new dwellings. However the site is considered to be in a sustainable location for travel, with good access to a regular bus service and the city centre being within easy cycle and walking distance. Space will be provided within the outbuilding for cycle storage. It is therefore considered that the lack of designated parking space in this instance would not be significantly harmful to the amenities of the surrounding area or to the future occupants of the dwelling, nor would it result in any harmful impacts on highway safety.

Therefore, the proposal complies with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal is for overnight accommodation affecting nitrogen and phosphorous.

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The site is situated within the River Itchen catchment where all new development containing overnight accommodation, is required to provide appropriate mitigation against the additional nutrients (nitrogen and phosphorous) the development would release into the watercourses, including the Solent Special Protection Area. An appropriate assessment has been undertaken with regards to the development's impact (see below).

The application was submitted prior to the statutory requirement for biodiversity net gain (BNG) of at least 10%. Nevertheless, policy CP16 of the LPP1 encourages the provision of features that would result in some net gain for biodiversity. No specific details regarding this have been submitted and therefore, it is considered reasonable to include condition 8 requiring this. Examples could include bat/bird boxes, native species planting, hedgehog highways etc.

The area to be developed is the side garden of the existing property and does not have any particular ecological features that warrant further surveys.

Therefore, subject to the addition of condition 8, the proposal complies with policy CP16 of the LPP1.

Appropriate Assessment.

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution, pre-2030, of 3.16Kg/TN/year and 0.11Kg/TP/year and post-2030 of 0.91Kg/TN/year and 0.02Kg/TP/year. The average figure over 125 years (perpetuity) is therefore 0.97kg/TN/year and 0.02 kg/TP/year respectively. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on nitrogen and phosphorous from Natural England.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition (4) complies with this strategy and would result in nutrient neutral development.

The applicant has submitted details of an allocation agreement with The Grange Estate in respect of the purchase of nutrient credits. This reserves the credits and is considered to be acceptable and to fulfil the requirements of nutrient mitigation.

It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework (2023).

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. The dwelling will be constructed with a "fabric

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first” approach to ensure high levels of airtightness and insulation which will minimise the heat and energy demand of the dwelling.

Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect.

Condition 9 secures the submission of design-stage data prior to the commencement of development to ensure this is complied with.

Condition 10 then requests as-built data prior to the occupation of the unit to ensure that the requirements have been met.

The site is within the Air Quality monitoring area. An Air Quality Statement has been submitted which confirms that no solid fuel heating appliances are proposed and that secure cycle storage will be included in the scheme. Gas boilers will meet the required standard. The statement also gives details of public transport facilities in the area including local bus stops and distances to the rail and bus stations.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

Sustainable Drainage

The site is in Flood Zone 1, with a very low risk of fluvial and pluvial flooding. A Sustainable Drainage System (SuDS) will be required to ensure that the development area and locality won't flood due to surface water. The new dwelling is proposed to connect to the existing public foul sewer, which is the most environmentally sound option. Condition 11 requires details of foul and surface water drainage to be submitted prior to the commencement of works.

Therefore, the proposal complies with policy DM18 of the LPP1.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposed development is situated within the settlement boundary of Winchester and therefore accords with policies DS1 of the LPP1 and DM1 of the LPP2.

The design of the proposed dwelling is in keeping with the rest of the terrace and is situated within the comparatively large garden for the existing no 10. It will be constructed in line with the “fabric first” approach and will have a high level of energy efficiency. The development therefore accords with policies CP11 and CP13 of the LPP1, as well as DM15, DM16 and DM17 of the LPP2.

Whilst there is no designated parking space, the site is within a sustainable location with pedestrian and cycle access to Winchester City Centre and the Winnall Industrial Estate,
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as well as a regular bus route which stops near the end of Baigent Close. It is therefore considered that the development, on balance, is acceptable in this respect and complies with DM18 of the LPP2.

Provision will be made for biodiversity gain, details of which will be submitted via a condition in line with CP16 of the LPP1. Additionally, appropriate mitigation for nutrients will be secured via condition.

In conclusion, the proposed development is acceptable and complies with relevant local plan policy.

Recommendation

Permit, subject to the following conditions:

Conditions

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 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:

Site Location Plan Dwg No 2237_EX_001 received 03.04.2024
Block Plan Dwg No 2237_PR_001 received 03.04.2024
Proposed Site Plan Dwg No 2237_PR_010_D received 27.08.2024
Proposed Ground Floor Dwg No 2237_PR_100 received 27.11.2023
Proposed First Floor Dwg No 2237_PR_101 received 27.11.2023
Proposed Outbuilding Floor Plan Dwg No 2237_PR_102_B received 27.08.2024
Section AA Proposed Dwg No 2237_PR_200_B received 27.08.2024
Section BB Proposed Dwg No 2237_PR_200_A received 27.08.2024
South Elevation Proposed Dwg No 2237_PR_300 received 27.11.2023
West Elevation Proposed Dwg No 2237_PR_301 received 27.11.2023
North Elevation Proposed Dwg No 2237_PR_302 received 27.11.2023
Proposed Outbuilding Elevations Proposed Dwg No 2237_PR_303_B received 27.08.2024

Reason: In the interests of proper planning and for the avoidance of doubt.

3. No development beyond ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. The development hereby permitted shall NOT BE OCCUPIED until:

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- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

5. The first-floor bathroom window in the rear (south) elevation of the dwelling hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the amenity and privacy of the adjoining residential properties.

6. No development above ground level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- All boundary treatment;
- Hard surfacing materials;
- Means of enclosure, including any retaining structures;

Hard landscape features shall be completed prior to the first occupation of the dwelling hereby approved.

Soft landscaping works shall include:

- Planting plans (for new trees, hedges and other planting);
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. No development, or works of site preparation or clearance, shall take place until 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 thereto, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

8. A Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above ground level. This shall include details and locations of any enhancement provisions (such as bird or bat boxes or native species rich planting). The biodiversity enhancement provisions shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To maintain and protect biodiversity.

9. Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Equivalent of Code for Sustainable Homes Level 4 for Energy and Equivalent of Code for Sustainable Homes Level 3 / 4 for water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

11. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the development hereby permitted.

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Reason: To ensure satisfactory provision of foul and surface water drainage.

Informatives:

1. In accordance with paragraph 38 of the NPPF (2023), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP11, CP13, CP16

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18

High Quality Places SPD

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

6. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The application for planning permission was made before 12 February 2024.

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