

PLANNING AND REGULATION COMMITTEE – 10 DECEMBER 2018

DIRECTOR FOR PLANNING AND PLACE

Development proposed:

New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements.

Division Affected: Benson and Cholsey

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Benson CE School, Oxford Road, Benson, Oxfordshire

Application No: R3.0114/18

District Reference: P18/S3366/CC

Applicant: Oxfordshire County Council

District Council: South Oxfordshire District Council

Date Received: 28 September 2018

Consultation Period: 11 October – 1 November 2018

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Recommendation

The report recommends that the applications MW.0114/18 be approved subject to the completion of a Unilateral Undertaking.

Site Location

1. Benson CE School is in Benson, in the south east of Oxfordshire, approximately 12 miles (19 km) south east of Oxford and 1.5 miles (2.5 km) north east of Wallingford. The school is in the west of the village.
2. The main school building is located in the eastern part of the application site. The proposed new building would be located in the middle of the site, west of the existing building, partly on an existing hard play area and partly on the existing playing field. The western part of the school site comprises playing fields.
3. The main entrance to the school is from Oxford Road, between the existing building and the proposed new building. There are three further pedestrian accesses; to the north onto Littleworth Road, to the east onto Horseshoe Lane and to the west to Benson Youth Hall. The school has 21 parking spaces including two disabled spaces and two informal spaces.
4. The site is entirely located in flood zone 1, the area of least flood risk. The school is surrounded by residential development. The closest residential properties to the proposed new building include properties on the south side of Littleworth Road, approximately 30 metres from the proposed new building, and properties on the south side of Oxford Road, a similar distance from the building but separated by the proposed new car parking area and Oxford Road. There are residential properties to the north, east and south and Benson Youth Hall lies to the west.
5. The boundary of Benson Conservation Area cuts through the school site and the area proposed for the new teaching block falls within this. Trees along the school site boundaries to the north, north east and south have Tree Preservation Orders. There are no listed buildings in close proximity to the site. The closest is the Three Horseshoes public house (Grade II) on the corner of Oxford Road and Horseshoes Lane, approximately 90m from the proposed new building, and a residential property opposite (Grade II).

Details of the Development

6. It is proposed to construct a new teaching block including three new classrooms and associated withdrawal room, storage areas, toilets and plant room. This is to meet the additional demand for school places from housing growth in and around the village.
7. The three new classrooms proposed would help to facilitate the expansion of the school from 1 form entry with an admission number of 30 to 1.5 form entry with an admission number of 45, in order to

provide enough school places for additional housing proposed in Benson.

8. The new building would be single storey with dual pitched roofs creating 288m² of additional internal floorspace with a footprint of approximately 360 m2. It would have buff coloured facing brick with large windows and a metal roof. The new building would be approximately 8m high at the ridge and 3.5 metres high at the eaves. There would be high level windows on the eastern elevation for lighting and ventilation. With the additional tarmac areas around the building and the proposed car park, the total developed area would be approximately 1,059 m2.
9. As part of the development, the existing parking area would be relocated to the south of the new block adjacent to the southern boundary of the school site. The school currently has 23 full-time equivalent members of staff and a pupil capacity of 210. It is anticipated that over time the new classrooms would accommodate 9 full-time additional members of staff and bring the pupil capacity to 315. Six additional car parking spaces are proposed as part of the car park relocation. The school has existing arrangements for the use of the car parks at the Three Horseshoes Pub and the Parish Council for pupil picking-up and dropping-off times. It is anticipated that around 50 additional vehicle trips could be generated during these times should the development be carried out but these could be reduced due to the use of after-school clubs and car-sharing. At present 48% of the pupils travel to school by foot, scooter, cycle or public bus.
10. External lighting mounted on the building would be provided around external doorways. The roof would overhang the new entrance to provide shelter when entering.
11. The area on which it is proposed to construct the new building and relocated car park is currently a grassed area. The site area contains playing field markings that would need to be adjusted to accommodate the new building and car park. The application states the school would be provided with a new off-site playing field under a Section 106 agreement associated with a housing development. Planning permission P16/S1139/O was granted in January 2018 and permits 241 dwellings north of Littleworth Road. The development includes a piece of land that would be provided to OCC as part of a Section 106 legal agreement, to provide a playing field for Benson Primary School. This lies approximately 200 metres north west of the proposed block, on the north side of Littleworth Road.
12. The relocated parking area would be located largely on the grassed area and partly on the existing hardstanding used for parking. Most of the existing parking area would be used as surfaced open space between the existing building and the new teaching block.
13. In terms of sustainability, the applicant has stated that:

- Photovoltaics can be added if future funding becomes available.
- The building has been thermally modelled to ensure maximum performance.
- Daylight penetration and natural cross ventilation have been maximised helping reduce the demand for artificial lighting and mechanical ventilation minimising energy consumption and creating a healthy teaching environment.
- The proposed use of high energy low NOx gas fired boilers will reduce emissions.
- The proposed installation of low energy LED lighting with passive infrared sensors and daylight dimming will be energy saving.
- The use of higher thermally performing materials will enhance the energy rating of the new building.
- Where possible materials will be locally sourced with a robust waste management plan in place - the contractor operates a Smartwaste policy with a 90% target of all materials taken away as waste being recycled.
- The contractor aims to employ 80% of sub-contractors from within a 40 miles radius of site.

Representations

14. Seven objections have been received by members of the public. An objection has also been received from Sue Cooper, SODC councillor for Benson & Crowmarsh. The points raised are set out at Annex 1. The main concerns were related to the impact on the playing field, design and traffic on Oxford Road. Many people who wrote felt that a better solution could be found to accommodate the forecasted growth in pupil numbers, either by expanding the existing school without affecting the playing field, or providing a new school.

Consultations

15. South Oxfordshire District Council Planning – Object. The overly large scale and prominent location of the classroom block and the prominent location of the proposed car park would erode the openness of the site failing to respect the distinctive character and appearance of the conservation area in the locality. The development would be contrary to policies CSEN3 and CSQ3 of the SOCS and policies CON7 and D1 of the SOLP. A revised scheme could be brought forward involving some vegetative screening, less obtrusive buildings design and relocated car park. The general principle of the development is supported by policy. The development would improve school facilities within Benson, although the loss of part of the playing field is undesirable. It is unfortunate to locate the car park where it would have the most severe visual impact. This could possibly be mitigated by alternative materials. The proposals are considered unacceptable having regard to the harm to the character and appearance of the conservation area. Support the provision of the new playing field prior to the development commencing. Additional off-street parking should be provided if possible to meet demand.

Appreciate that the proposed extension to the school does not offer significant opportunities for the provision of drop off areas. There should be a condition for a construction management plan to mitigate impacts on amenity but not concerned about harm to amenity post construction due to separation distance.

16. South Oxfordshire District Council Conservation Officer – The siting is within an important open space in the conservation area. The supporting statement does not identify which steps have been taken to address the existing character or mitigate the impact. The scheme would be much improved by siting the block much closer to the existing building to keep the built form contained within the site. The architectural style is consistent with modern extensions at the school and is not in itself objectionable.
17. South Oxfordshire District Council Environmental Health – No objection. Concerned that construction works could cause disturbance to local residents by means of noise and dust. Conditions should be used to control noise and limit construction and demolition hours to 8am-6pm Monday to Friday and 8am-1pm on Saturdays with no works on Sundays or bank holidays. Conditions should also be used to control dust.
18. Benson Parish Council – Strongly object. The design is not in keeping with the surroundings in a conservation area. There would be a loss of public amenity space. The car parking provision is too large. The proposal would not satisfy the long-term needs of the village. Traffic congestion outside of the school would increase.
19. Sport England – First response 09.10.18 – Holding objection. Request further information to show that the site will still be able to accommodate a football pitch of the same size of that currently on the site and also a consideration of paragraph 97 of the NPPF. Final Response – No objection, subject to a condition to ensure that the new playing field permitted under the District consent (P16/S1139/O) is delivered and available for use before there is any development on the existing school playing field. Final response – no requirement for condition following confirmation of continued availability of the remainder of the existing playing field pending completion of the replacement.
20. Historic England – Responded, no comments.
21. Natural England - Responded, no comments.
22. OCC Transport Development Control/School Travel Team - A full travel plan is required for this expansion to mitigate the travel impact of the increase in staff and pupil numbers. A travel plan should be produced prior to occupation of the new build because the school is already operating and has an existing community in-situ. A travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. Please could consideration be

given to increasing cycle and scooter parking on site as part of the expansion. Reason – to increase the potential for staff and families to travel to school by bike or scooter. Condition - Prior to first occupation of the new build a full school travel plan shall be submitted to and approved by the Local Planning Authority.

23. OCC Rights of Way – Responded, no comments
24. OCC Biodiversity – No comments. The proposed new building and parking area will be located on existing amenity grassland and as such will not affect any potential protected species habitat.
25. OCC Lead Local Flood Authority – No objection.
26. The Environment Agency – No comments.

Policy Background

27. The relevant Development Plan policies include:

South Oxfordshire Local Plan 2011 (SOLP 2011) (saved policies):

- G2 – Protection and enhancement of the environment
- C6 – Biodiversity conservation
- CON7 – Conservation areas
- EP2 – Noise and vibration
- EP3 – Light pollution
- CF1 – Safeguarding recreational facilities
- D1 – Good design
- D2 - Parking

South Oxfordshire Core Strategy (adopted 2012) (SOCS)

- CSS1- Overall strategy
- CS1 – Presumption in favour of sustainable development
- CSQ3 - Design
- CSM1 – Transport
- CSEN3 – Historic Environment
- CSB1 – Biodiversity

28. Benson Parish Council's Neighbourhood Plan (BNP) was made by South Oxfordshire District Council in August 2018 and, therefore, is now part of the Development Plan for this area. The final version of the plan has not yet been published but the referendum version of the plan is available.

- NP6 – Conservation and Heritage
- NP7 – Design
- NP22 – New Green Space
- NP23 – Biodiversity
- NP30 – Sustainable Drainage Systems

29. The Government's National Planning Policy Framework (NPPF) was published in 2012 and updated in 2018. This is a material consideration in taking planning decisions. Paragraph 94 states that LPAs should give great weight to the need to create, expand or alter schools through decisions on applications and work with school promoters to identify and resolve key planning issues prior to submission of applications.
30. South Oxfordshire District Council is developing a Local Plan 2033 and are currently in the process of reassessing the main housing sites proposed in that plan. This draft plan has not yet been submitted for examination. Therefore, although this plan is a material consideration, it has not been adopted and its policies can only be given limited weight.

Planning Analysis

31. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states that:

"The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded school applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This approach is endorsed in paragraph 94 of the National Planning Policy Framework which states that great weight should be given to the need to expand or alter schools through decisions on applications.

Design

32. SOCS policy CSQ3 seeks to secure high quality design, including development which responds positively to and respects the character of the site and its surroundings, creates a sense of place and uses appropriate materials.
33. SOLP policy D1 also seeks good design and the reinforcement of local distinctiveness, through good quality site and building design with appropriate materials. BNP policy NP7 states that all new development should be of a high-quality design that respects the distinctive character of the locality. New development should be in accordance with the Principles set out in the Design Statement that accompanies the BNP.
34. Some concerns have been raised about the design of the building. Representations have suggested that the design should be improved and solar panels, cycle parking and electric car charging points added. SODC have stated that they are concerned about the scale of the block and its separation from the main building.
35. In my view the design and materials are consistent with the school setting and the construction would be sustainable. I note comments that additional classrooms would have a lesser impact on open space if built as an extension to the main school building, rather than a standalone building. However, the applicant has explained that extending the existing school building would cause disruption and cause problems in maintaining adequate sunlight and ventilation to existing classrooms and so to the pupils and staff. In any case, the application that has been submitted must be determined on its merits. Overall, I consider that the new building is acceptable in design terms and complies with SOLP policy D1 and SOCS policy CSQ3.

Historic Environment

36. SOLP 2011 policy CON7 states that that planning permission will not be granted for development which would harm the character or appearance of a conservation area. It also sets out things which should be considered when determining applications for development in conservation areas, including that the design and scale of new work should be in sympathy with the established character of the area and traditional materials should be used when this is appropriate to the character of the area.
37. SOCS policy CSEN3 states that conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place through the determination of planning applications. BNP policy NP6 seeks also to conserve and enhance the special interest, character and appearance of the Benson conservation area, with regard for its setting and context as part of a longer linear historic settlements and for the wider relationship with the River Thames, the Ewelme Stream (Benson Brook), and the agricultural landscape.

38. The application is within the conservation area and both the District Council and Parish Council have objected to it on this ground. Comments have been received from the Conservation Officer at SODC. They have commented that the site is located on an important area of open space within the conservation area and it would be better if the building was closer to the existing building. The Conservation Officer considers that the concern is related to the siting and the design is not objectionable.
39. There have also been representations objecting to development within the conservation area and the design of the building in this context.
40. It is acknowledged that the proposed building would extend the built form of the school into an area of open space which is within the conservation area and that it clearly does impact on its character and appearance. It is unfortunate that it was not possible to locate the additional classrooms closer to the existing school building. However, the school site would still have open grassed areas at its western end and so although the area of open space would be reduced, a substantial proportion of it would be retained. Whilst the concerns raised by the District Council and Parish Council are noted, the expansion of the school is intended to serve the local growth in population through local housing developments. The impact on the character and appearance of the conservation area has to be weighed against the strong national policy support for the expansion of schools. In the Design and Access Statement included with the application, the applicant has set out that other options were explored but that this was the considered the best option for the following reasons:
- The proposed new teaching block is positioned close enough to the existing school, such that it will have minimal impact upon the setting or character of these assets whilst reflecting some of the dominant characteristics of the main school.
 - The proposed positioning of the new block does not impact upon the existing nature of the approach to the school entrance with minimal impact upon the existing sports and soft play facilities found within the site.
 - The proposed positioning of the new block avoids the removal of existing trees on the site.
 - The proposed building is located within the secure site boundary with new entrances located to connect with existing routes within the school site.
 - It would allow for future expansion should the educational needs of the school change.
41. The impact on the character and appearance of the conservation area is a key consideration in the determination of this application. However, unfortunately it does not seem that there is anywhere else within the

existing school site where the required extension could be practically accommodated without having an impact on the existing school environment.

Amenity

42. SOLP policy G2 states that the district's countryside, settlements and environmental resources will be protected from adverse developments.
43. SOLP policy EP2 states that proposals which would have an adverse effect on existing occupiers, by reason of noise, will not be permitted until there are effective mitigation measures.
44. SOLP policy EP3 states that proposals for external lighting that would have an adverse effect on neighbours or biodiversity will not be permitted, unless effective mitigation measures will be implemented.
45. It is not considered that the proposed new building and car park would result in unacceptable light or noise impacts for neighbouring properties, because of its central location within the school site. However, it is proposed that a condition requiring details of external lighting be attached to any planning permission prior to first occupation of the development. There is the potential for some nuisance arising during construction works and therefore, it is recommended that a condition is added for a construction management plan to ensure that appropriate mitigation is in place. Subject to this, the development is considered to be in accordance with SOLP policy EP3.

Transport

46. SOCS policy CSEN3 states that the use of sustainable modes of transport will be encouraged and traffic management measures and environmental improvements which increase safety and improve air quality will be promoted and supported.
47. The Benson Neighbourhood Plan refers to Oxford Road as a bottle neck and states that it always has parked cars during school times making progress difficult and it is particularly dangerous during school drop off and pick up. There is parking overspill onto adjacent roads. The plan includes a parking strategy, which includes ensuring that new developments provide sufficient on-site parking. Elsewhere the plan states that consideration should be given to lowering the speed limit to 20mph in the vicinity of the school when the school is active.
48. A number of objections have referred to concerns about traffic, including the increase in traffic on Oxford Road, the fact that pupils from new developments are more likely to travel by car as they live further from the school and that positive steps must be taken to deter car transport to the school.
49. The Transport Development Control/School Travel Plan team has not objected but has requested that a condition be attached requiring a

School Travel Plan to be provided prior to occupation of the building and that a travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. A School Travel Plan would clearly seek to encourage sustainable modes of transport in line with the aims of policy CSEN3. This would need to be provided for through a Unilateral Undertaking prior to the grant of any planning permission. A condition should also be attached requiring the provision of additional cycle and scooter parking.

Parking

50. SOLP policy D2 states that permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles. Vehicle parking should be provided in a discreet and sensitive manner. The application proposes the relocation of the existing car park and the addition of six extra spaces. It is considered that this additional provision is satisfactory in the context that staff journeys will also be included as part of the School Travel Plan.
51. A number of concerns have been raised about the location of the car parking area on the southern boundary of the school site where it would be prominent from Oxford Road and take up open space in the conservation area. This is noted, although there are existing mature trees planted along the school's southern boundary and these serve to break up views into the school site, albeit that the screening value will be reduced in the winter months. The impact on the character and appearance of the conservation area has been addressed above.

Biodiversity

52. SOLP 2011 policy C6 and SOCS policy CSB1 protect biodiversity and require that there is no net loss. BNP policy NP23 states that development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Where appropriate on-site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.
53. This proposal is not considered to have any adverse impacts on ecology due to the location of the building on an existing amenity grassland area. The applicant has agreed to provide bird boxes as an enhancement to biodiversity and this can be provided for through a condition should planning permission be granted. Therefore, the proposal is in accordance with these policies.

Playing fields/green space

54. A main concern raised in representations on this application is the site location on existing open space which is used as playing fields. They state that this is well used open green space which is important to the village. The school playing field is not however designated as green space to be protected in the Benson Neighbourhood Plan. BNP policy

NP22 seeks to see the creation of new areas of green space as part of new developments.

55. NPPF paragraph 97 states that existing open space, including playing fields should not be built on unless a) an assessment has been undertaken showing that the open space is surplus to requirements, b) the loss would be replaced by equivalent or better provisions in terms of quality and quantity in a suitable location or c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the former use.
56. SOLP policy CF1 states that proposals that result in a loss of a recreational facility will not be permitted unless suitable alternative provision is made or it is not needed. In this case the applicant is proposing suitable alternative playing field provision in an off-site location and this is already secured through an existing legal agreement related to a planning permission for housing. Sport England has no objection to the application.
57. The development would not lead to the creation of additional green space. However, it would not be practicable within the school site to do so. The existing playing field, other than that required for the development will remain as an open area and in recreational use.
58. The development is considered to be in accordance with the aims of SOLP policy CF1 and NPPF paragraph 97.

Other Issues

59. One representation has questioned the urgency of the need for the development and stated that the rate of occupation of new housing is less than expected. Representations have also suggested that a new school would be a better solution to the need for new classrooms. A number of other alternative solutions have been proposed in representations including other buildings close to the school, upwards expansion of the school, an extension rather than a new block. As set out above, the application that has been submitted must be determined on its merits and there is strong central government policy support for the expansion of existing schools.
60. BNP Policy NP30 seeks to see Sustainable Drainage Systems provided as part of new development. The application includes a drainage scheme which is satisfactory to the Lead Local Flood Authority.
61. SOCS policy CS1 sets out a general presumption in favour of sustainable development, in line with the NPPF. SOCS policy CSS1 contains the overall strategy for the district and states that the strategy will support and enhance the larger villages, including Benson as local service centres. It is considered that the proposed development is in accordance with the aims of these policies.

Conclusion

62. The proposal seeks to expand an existing village school in one of the larger villages in South Oxfordshire where future growth is planned.
63. There is some conflict with relevant development plan policy including with regard to the impact on the character and appearance of the conservation area. However, it is considered that the proposed development is needed in order to help meet local housing growth and the NPPF requirement to give great weight to the need to expand schools is considered on balance to outweigh these concerns.

RECOMMENDATION

64. **Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:**
 - i. **Detailed compliance;**
 - ii. **Permission to be implemented within three years;**
 - iii. **Provision of a School Travel Plan prior to the first occupation of the development;**
 - iv. **Provision of additional scooter and cycle parking;**
 - v. **Submission, approval and implementation of a Construction Management Plan;**
 - vi. **Provision of external lighting scheme;**
 - vii. **Provision of bird boxes.**

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example, in this case the applicant agreed to provide bird boxes as a biodiversity enhancement.

Annex 1- Representations

Development on school playing field

- Playing fields are much valued green space presented to the school by the village to be used as a playing field
- Less green space for community use
- Loss of playing field space for children
- Remote playing field not satisfactory due to journey time to get there and busy road
- Benson Neighbourhood Plan notes the need for more green space to compensate for the loss of part of the playing field, this should form part of the application
- An extension to the existing school building would mean less loss of green space
- There should be no development on the green space until replacement is provided
- Contrary to NPPF paragraph 97 as new playing field would not be provided until after the new classrooms are needed.
- Playing field was already reduced in size when the infant and junior schools merged.
- Construction stage will disrupt use of the field
- Not clear that this would benefit school children

A new school is needed

- The current school site cannot accommodate the level of growth needed for the proposed new housing in Benson
- If permission is given for this, another 3-classroom block will be needed in future leading to further loss of open space
- The current school hall is inadequate and no additional office, kitchen or staff space is proposed in relation to the additional pupils.
- This development would not provide enough capacity for all spaces needed if the existing housing permissions in Benson are taken up
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Alternative provision should be made at school site

- Ruined house to the north could be ideal for new classrooms, youth hall could be moved, caretaker's cottage could be used, land at Keable Cottage could be used
- Distance between main building and proposed new block will cause hazards in bad weather – extension preferable
- The school should expand upwards
- Staff car parking should be remote and this area used
- Construction of a pedestrian/cycle bridge over Littleworth Road to encourage pupils from the Hopefield Grange development to walk or cycle to school

Development within the Conservation Area

- Proposed block not in keeping with the buildings of local note bordering the northern side of the field.

Car park

PN10

- Large car parking area adjacent to Oxford Road would be prominent and take up green space and should be moved

Traffic

- Transport Statement is flawed and does not appreciate that pupils from new housing are more likely to arrive by car than children living closer
- Should only be permitted if positive steps are taken to deter car transport
- Increase in traffic on Oxford Road

Fencing

- Oxford Road fencing would be unattractive and spoil view across field

Urgency

- Rate of occupation of new housing is less than expected and therefore it is unlikely that the extra accommodation will be necessary by September 2019

Improvements to the scheme are required

- Design of the teaching block should be improved
- Solar panels should be added to the roof
- Cycle parking and electric car charging points should be included

Environment and amenity impacts

- Security lighting would have adverse impacts on properties adjacent to the field
- The development would lead to the destruction of trees and wildlife.

Annex 2 - European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely a) to impair their ability –
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
4. Damage or destruction of an EPS breeding site or resting place.

Our records and the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present.

Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.