

BANNINGHAM – PF/22/1068 – Demolition of existing buildings and erection of single storey detached dwelling at Ambrose House, Mill Road, Banningham NR11 7DT

Minor Development

Target Date: 12th July 2022

Extension of time: 19th March 2024

Case Officer: Mr Joseph Barrow

Full Planning Permission

RELEVANT SITE CONSTRAINTS

In the Landscape Character Assessment area: Low Plains Farmland

In the Countryside in policy terms

In the Nutrient Neutrality Foul Water and Surface Water catchments area for the River Bure

Within the Zones of Influence of multiple habitats sites for the purposes of the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS)

RELEVANT PLANNING HISTORY

CL/24/0121: Certificate of Lawfulness for existing use of building as a single dwellinghouse (Class C3) – Refused as not lawful

IS2/21/1795: Replacement dwelling (“in principle only”) - Advice Given

PO/20/0297: Erection of single storey detached dwelling and detached storage building following demolition of existing dwelling. (Outline with approval sought for access and appearance only - details of landscaping, layout and scale reserved) - Withdrawn

Nearby site - Watts Cottage, 2 Mill Road, Banningham

PF/21/2507: Two storey detached dwelling (4-bed) with detached single garage and car port to front with widening and improvements to vehicle access - Approved by Development Committee 22nd January 2022 contrary to officer recommendation to refuse.

RV/23/1766: Removal of condition 8A (requiring visibility splays measuring 120 metres x 2.4 metres to each side of the junction of Mill Road (U14239) with Aylsham Road (B1145) where it meets the near edge of the adjacent (B1145) highway carriageway to be provided before the first occupation of the dwelling) and; 8B) (requiring the applicant to notify the Local Planning Authority in writing confirming completion of the works required under 8A) within 14 days of the date of the completion of the works and prior to the occupation of the dwelling; and 8C) requiring the retention of the visibility splays and to be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway of planning permission ref: PF/21/2507 (Two storey detached dwelling (4-bed) with detached single garage and car port to front with widening and improvements to vehicle access) – Approved 29/11/2023

The officer view was that the imposed condition did not meet the tests of the NPPF in terms of being ‘reasonable’ as, in particular, there was no evidence during the consideration of the original application (PF/21/2507) that the highway improvements were deliverable, particularly as it would involve third-party land, and there were no proposals at the time to improve visibility. Although debatable whether there was ‘no prospect at all’ of the improvements being

made, it was considered to be very unlikely to be achievable, noting the need for third party agreement and with potential financial implications. Given this background the Highway Authority did not object to removal of the condition.

THE APPLICATION

Proposes the demolition of existing domestic outbuildings that were previously ancillary to Chapel Cottage, followed by the erection of a single storey detached dwelling. The dwelling would take the form of three linked elements, each with a dual-pitch roof structure. It would be sited in the north-west corner of the overall plot, with landscaping to the east of the dwelling. Vehicle access connects from the parking area to the front of the dwelling onto Mill Road to the south, between the dwellings sited to the south.

REASONS FOR REFERRAL TO COMMITTEE

The Assistant Director – Planning has called the application in to committee following the decision made by the Development Committee at its meeting on 20/01/2022 to approve planning application PF/21/2507 contrary to the officer recommendation, due to the close proximity of that site to the current application site and as that application was also for a new dwelling.

REPRESENTATIONS:

Five received objecting for the following reasons:

- Application cannot be considered to be a replacement dwelling due to the nature of the existing building.
- The development would be harmful backland development.
- Unacceptable impact in terms of highway safety.
- Ecological and biodiversity concerns
- Concerns regarding construction traffic

CONSULTATIONS:

Colby Parish Council - Objection on the following grounds:

- Land should not be classified as brownfield land
- The application should not be accepted as a replacement dwelling
- Lack of compliance with policies SS 1 and SS 2
- Access is below standard

Norfolk County Council Highway Authority - Objection

Mill Road is considered inadequate to serve the development by way of its restricted width, lack of passing provision, lack of pedestrian facilities
Severely sub-standard junction of Mill Road with the B1145 North Walsham Road due to restricted visibility

North Norfolk District Council Landscape Officer - Comments

Trees:

Updated Arboricultural Assessment requested to confirm the previous findings in that dated 23/05/2022 and submitted with application ref. PO/20/0297 with remain relevant. The provision of a revised AMS and TPP to address the issues previously raised, is also requested.

Ecology:

There may be the potential for adverse impacts upon habitats and protected species as a result of the proposed development. In order to adequately assess the application in accordance with the Council's statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), a Preliminary Ecological Appraisal (PEA) is required. If ecological survey work is not provided, it is recommended that the application should be refused under policy EN 9 of the CS.

Landscape:

No objection.

HUMAN RIGHTS IMPLICATIONS

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy (2008):

SS 1 – Spatial Strategy

SS 2 – Development in the Countryside

SS 4 – Environment

SS 6 – Access and Infrastructure

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 4 – Design

EN 6 – Sustainable Construction and Energy Efficiency

EN 9 – Biodiversity and Geology

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 5 – Transport Impact of New Development

CT 6 – Parking Provision

Material Considerations

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving Sustainable Development
Chapter 9 – Promoting Sustainable Transport
Chapter 12 – Achieving Well-Designed and Beautiful Places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008))
North Norfolk Landscape Character Assessment SPD (2021)

OFFICER ASSESSMENT:

Site

The application site is an area of amenity land to the rear of a small cluster of residential properties along Mill Road which is approximately 1km to the southeast of Banningham village. Mill Road links to the B1145 North Walsham Road to the west. Properties to both the north-west and south-east have gardens which extend as far as the rear boundary of this plot, with the properties to the front of the application site much shorter in their plot depth. The site is bound by trees and hedging, with agricultural land to the north-east. In the northern corner of the site are the current buildings proposed to be demolished, with the new dwelling to be erected in approximately the same location.

Background

The application form described the proposed development as an affordable self/custom build dwelling. At paragraph 1.6 the supporting Planning Statement referred to the proposal as being for a replacement dwelling. It also suggests the site is brownfield land and that the proposal is by a key worker for his family and the applicant to live in.

Officers did, however, have doubts about the status of the existing building (referred to as 'The Lodge' in the planning statement) referred to as a dwelling and advised as previously in respect of IS2/21/1795 that this should be confirmed through a Certificate of Lawfulness. An application (ref CL/24/0121) was eventually submitted in January 2024. The decision on the application was that the existing use of the building as a single dwellinghouse (Class C3) was unlawful as the evidence submitted was not considered sufficiently clear and precise to demonstrate, on the balance of probabilities, an independent residential use of the building sufficient to have established immunity from enforcement action. On the basis of the evidence, it was considered that use of the building was for purposes ancillary to Chapel Cottage which until 2020 was all within the same ownership title.

Taking account of the above, the proposed development has been considered as a new dwelling.

Main Issues for consideration:

1. Principle of development

- 2. Design of the development and its effect on the character and appearance of the area**
- 3. Amenity**
- 4. Highway safety**
- 5. Trees**
- 6. Ecology and biodiversity**
- 7. Effect on habitats sites**
- 8. Other Considerations**

1. Principle of Development:

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy SS 1 of the CS sets out the spatial strategy for the district and directs development to the areas which have been identified as sustainable locations. The application site is not one of those areas, located in an area of countryside as per Policy SS 1.

Under Policy SS 2 development in the countryside is limited to that which requires a rural location and falls under one of the categories listed in the policy. The only new build residential development which may be permitted in a countryside location is affordable housing (provided it complies with the rural exception policy), or housing where it can be demonstrated that it is required to meet the needs of full time workers in agriculture, forestry or other essential workers connects with the land, or if there are material considerations which would be sufficient to justify a departure from development plan policies. The proposal does not meet these specific criteria and would amount to a departure from the Development Plan. Policy SS 4 place further emphasis on sustainable development and the need to reduce carbon emissions and adapt to future climate change.

Whilst the Council is currently unable to demonstrate either a 5 year or 4 year housing land supply and, as such, Development Plan policies SS 1 and SS 2 are considered "out of date" in accordance with NPPF paragraph 11 d), recent appeal decisions have confirmed that these strategic policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

There are no services/facilities within close proximity to the development site and a lack of any footpaths or regular public transport links to such services, further noting the lack of any street lighting. As such, inevitable reliance will be placed on the use of a private car to meet basic day-to-day needs. With a lack of basic facilities and transportation options, it is considered that a single dwelling in this location would represent an unsustainable form of development. Paragraph 83 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which current adopted Core Strategy policies follow. Given the lack of a basic level of accessible local services/facilities, it is considered that a single dwelling in the location proposed would not contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and as such, would not comply with the requirements of Paragraph 83 of the NPPF. No suggestion has been made that there is any essential need, nor any significant mitigating circumstances that should be considered, for a dwelling in this location. It would not fulfil the requirements as set out in Paragraph 84 of the NPPF.

A material consideration that needs to be given some weight in this case is the approval of application ref. PF/21/2507 just over two years ago, given the very similar circumstances – that application was also for a new dwelling on a site on Mill Road that is very close to the current application site (being less than 20 metres away at the closest point) and was considered against the same Core Strategy policies which remains the same other than with regards to housing land supply situation. In the case of the 2021 application, the Development Committee concluded that there were material considerations that outweighed the conflict with Policies SS 1 and SS 2 and the officer recommendation of refusal, including being of high quality design, sustainable in its location and design, and not having an unacceptable highway safety impact.

It is however, considered that despite the similarities, the approval of the 2021 application does not set a precedent that must be followed. Each application must be considered on its own merits and it is considered that in the case of the current application, there are no material considerations that would outweigh the conflict with policies SS 1 and SS 2.

It is therefore concluded that the proposed dwelling would amount to an unsustainable form of development, contrary to Policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy, and Paragraphs 83 and 84 of the NPPF.

2. Design, character and appearance

The existing site has a domestic feel, with green space to the majority of the site. The northern portion of the site is where the bulk of the built form is located.

The existing buildings are considered to have little architectural merit, and, prior to the applicant's acquisition of the land, fell into a state of disrepair. The proposed demolition of these structures and their replacement with a building of higher design quality would be welcomed.

The proposed dwelling retains the single storey predominantly timber appearance of the current structures. Three dual pitch roof elements would be asymmetrically linked to provide visual interest and break the massing of what would otherwise be quite a long and uniform style. It is considered that overall, the design of the proposed dwelling is appropriate, and reflects the largely rural nature of the site. The scale and massing are not considered disproportionate to the nearby dwellings, although the footprint of the proposed dwelling is much larger than the buildings currently on site. Officers consider that the single storey form and disrupted massing aid the scheme in respecting the rural character of the area.

The site lies within the Low Plains Farmland landscape character type, as categorised by the North Norfolk Landscape Character Assessment. One of the valued features of this landscape is a sense of remoteness and tranquillity, including dark skies at night between towns and villages. Whilst there is a high level of glazing shown on the proposed south elevation of the dwelling, the significant overhang of the roof and surrounding foliage would minimise external light spill. A condition requiring the approval of any external lighting is also recommended in the event that the application was approved. Given the single storey design of the dwelling and the site's location next to a cluster of existing development, it is considered that the proposal would not result in any harmful effect on the surrounding landscape.

The design and access statement also contains a landscaping plan which, although lacking exact detail at this time, is of a high quality. Key ambitions of this landscaping strategy include hedgerows in line with Royal Society for the Protection of Birds (RSPB) recommendations,

wildflower meadows, an orchard, and oak saplings to replace those which are dead and recommended for removal. Further details could be secured through a condition/s in the event the application was approved.

Overall, the proposed development is considered to be acceptable in terms of its design and its effect on the character and appearance of the surrounding area and complies with Policies EN 2 and EN 4 of the CS.

3. Amenity

The proposed dwelling is well located within the plot, achieving separation distances of at least 40m from nearby dwellings and would be single storey with a shallow pitched roof. These exceed Design Guide recommendations. As such there would be no harmful effects on the living conditions of their occupiers. The landscaping scheme detailed within the design and access statement would likely further improve the amenity relationship between the proposed dwelling and its neighbours. The proposal is therefore considered to be acceptable in this regard and compliant with Policy EN 4 of the CS and the North Norfolk Design Guide SPD.

4. Highway Safety

Aside from general on-site parking provision which would be provided to meet the requirements of Policy CT 6, the site lies on Mill Road which joins the main B1145 North Walsham Road to the west. The road and the junction with B1145 are described by the Highway Authority previously as being 'severely sub-standard', particularly with regard to visibility in both directions at the junction, and with no possibility of improvement. Officers note that, having visited the site and having used the junction in question, visibility is very poor. This being the case, strong concerns are raised with regard to the number of daily vehicular movements generated by a further new dwelling and the resultant increased use of the substandard road and junction.

These concerns were raised in respect of application ref. PF/21/2507 and were also reflected in another reason to refuse the application in the officer recommendation. Condition 8 of the permission required the provision and maintenance thereafter of suitably visibility splays to each side of the junction of Mill Road with the B1145. The condition was subsequently removed under application ref. RV/23/1766 as it was clear that it did not meet the tests of the NPPF in terms of being 'reasonable' as, in particular, there was no evidence during the consideration of the original application (PF/21/2507) that the highway improvements were deliverable, particularly as it would involve third-party land, and there were no proposals at the time to improve visibility. Nothing has been put forward by the current applicant to demonstrate that they would be able to deliver such visibility improvements, so it would not be a matter that could be dealt with through a condition as in particular, it would involve third party land.

Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' In this case, on the basis of the substandard road and visibility at the nearby junction of Mill Road with the B1145, it is considered that the proposed development fails to meet the requirements of Policy CT 5, an approach further supported by Paragraph 115 of the NPPF given the unacceptable impact on highway safety.

5. Ecology and Biodiversity

The site is in a rural location and has been allowed. over time. to become more wild and natural in feel containing trees and hedges. The existing buildings are also over 20 years old and mostly of timber construction. A preliminary ecological appraisal has not been submitted so it is not possible to determine whether or not there are protected species on or using the site, the effect the development would have on them and what mitigation may be required.

In the absence of such information it is not possible to make an informed decision about the development proposals in accordance with the Council's statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) and is therefore contrary Policy EN 9 of the Core Strategy.

6. Trees

An Arboricultural Assessment (AA) has been submitted in support of the application. The submitted document was provided in support of the previous application (PO/20/0297) when it was found to be unacceptable owing to a discrepancy with the submitted plans, as well as failing to provide an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

The same issues are apparent at this time, and as such it cannot be confirmed that the proposal would have an acceptable impact upon arboricultural assets on site. The proposal is therefore considered to be unacceptable in terms of its impact upon trees, contrary to Policies EN 2 and EN 4 of the CS.

7. Effect on habitats sites

Nutrient Neutrality

Alongside all other local planning authorities in Norfolk, the Council received a letter dated 16 March 2022 from Natural England about nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution.

As the proposal is for a new-build dwelling regard must be had to where foul water will discharge to. The arrangements for the disposal of foul sewage are stated as unknown on the application form, although the design and access statement confirms a connection into mains drainage via Chapel Cottage. Catchment maps indicate that there is a public sewer serving Mill Road which connects to Aylsham Sewage Treatment Works. As such in accordance with the foul drainage hierarchy the development should connect to the public sewer unless it is unfeasible to do so. Where mains drainage connection is not possible the a package treatment plant (or similar) would be required and treated waste from that would discharge into the surface water system. As the site is within the both the foul and surface water catchments of the River Bure which is a component part of the Broads Special Area of Conservation and Ramsar it must be demonstrated that the proposed development would be nutrient neutral.

With regards to the local planning authority's duties as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is considered that there is insufficient evidence to demonstrate beyond reasonable scientific doubt that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development in relation to nutrient enrichment.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is considered to be contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy. Permission cannot therefore be reasonably granted for the proposed development.

Recreational impacts on habitats sites

Norfolk Local Planning Authorities have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, to European sites, will not result in any likely significant effects which cannot be mitigated. The application site lies within the defined Zones of Influence of a number of designated sites.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (or equivalent) prior to occupation. The mitigation contribution (£185.93) was paid at the time the application was submitted.

It is considered that this contribution is sufficient to conclude that the project will not have an adverse effect on the integrity of the identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

The local planning authority may now agree to the plan or project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). On that basis it also complies with Policy EN 9 of the CS.

Other considerations

Whether the site is previously developed ('brownfield') land:

It is contended within the planning statement that this proposal is on brownfield (or "previously developed" for current NPPF purposes) land.

The NPPF Glossary defines **Previously Developed Land** as:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

Paragraph 123 of the NPPF states that 'strategic policies should set out a clear strategy for accommodation objectively assessed needs, in a way that makes as much use as possible of previously-developed or "brownfield" land'.

The adopted development plan does not include any specific policies that address the reuse of brownfield land, however paragraph 124 (d) states that decision should 'support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained'.

Officers consider that, whilst the land in question would likely meet the definition of "previously developed land" and this would attract some positive weight in favour, this does not provide an unqualified basis for allowing development which would otherwise conflict with other policies in the Development Plan or policies within the NPPF. In this case, the matters of "Principle" and "Highway Safety" weigh heavily against the grant of permission for a dwelling in rural setting such as this.

Self/custom build / affordable housing:

The planning statement also contends that the dwelling in question would be a self-build "affordable" development. The Council acknowledge the contribution that self-build dwellings can make to the mix of housing supply. That said, this application is without substance in terms of a mechanism for securing the self-build development type. There is also no submitted mechanism for securing the long term nature of the dwelling as affordable.

Each of these aspects is subsequently afforded very limited weight.

PLANNING BALANCE AND CONCLUSION:

The Council is not currently able to demonstrate either a five year or four year housing land supply. However, appeal decisions continue to confirm that these strategic policies remain broadly consistent with the NPPF. The position of the application being considered unsustainable, in line with the development plan, is therefore consistent with the NPPF. However, in the absence of a five year or four year housing land supply. The "tilted balance" must be applied under NPPF paragraph 11, which states that permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Sustainable development has three overarching objectives; economic, social, and environmental. In this case it is considered that the economic benefit of the proposal would be small, in terms of the construction industry benefitting from the delivery of a single dwelling, as well as a small boost to the local economy in terms of consumer spending. Officers consider that these benefits attract modest weight only.

Socially, delivery of the proposed dwelling would help to support local services such as schools, as well as contributing to the local community generally. Officers consider that these benefits attract modest weight only.

Environmentally, regard is had to the unsustainable location as defined by the spatial strategy within the CS. It is highly likely that development in this location would create a high dependence upon the private car. Officers consider that these issues attract significant weight against the grant of planning permission. It is also noted that the proposal would incorporate various ecological mitigation and enhancement measures, as well as improvements to the

site's maintenance and appearance. Officers consider that these benefits attract modest weight only.

This report also identifies harm in terms of highway safety, ecology, and arboriculture, although Officers recognise that the latter two matters may be able to be resolved through further surveys and/or imposition of planning conditions.

Critically, the application is not able to demonstrate that it would not have a significant impact on habitats sites by way of nutrient pollution. Consequently, and in line with paragraph 188 of the NPPF, "the presumption in favour of sustainable development does not apply".

For these reasons, it is deemed that the harm caused by the proposal does significantly and demonstrably outweigh any benefits. It is therefore recommended that the proposal be refused.

RECOMMENDATION

REFUSAL for the following reasons:

1. The proposed dwelling would be within an area designated as Countryside where there is a general presumption against unrestricted residential development and in a location with poor access to a full range of basic services and facilities to meet day-to-day needs. The future occupiers would be highly dependent on the use of private car to be able to reach such services and facilities. The proposal would therefore not constitute sustainable development, contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy. In addition, it is considered that the addition of a single dwelling in this Countryside location would not make a significant contribution to supporting any local services and facilities nor those of any nearby rural villages and as such, does not fulfil the requirements of Paragraph 83 of the NPPF. Furthermore, the proposed development does not meet any of the criteria as set out in Paragraph 84 of the NPPF.
2. Mill Road (U14239) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width, lack of passing provision, lack of pedestrian facilities and restricted visibility at adjacent road junction. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety and as such, is contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and paragraph 115 of the NPPF.
3. The Local Planning Authority considers that the proposed development comprises overnight accommodation that falls within the catchment of the Broads Special Area of Conservation and Ramsar site and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.
The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment.
In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species

Regulations 2017 (as amended).

4. The application fails to demonstrate that it would not have an unacceptable impact upon protected species contrary to Policy EN 9 of the CS, and paragraph 180 of the NPPF.
5. The application fails to demonstrate that it would not have an unacceptable impact upon arboricultural assets contrary to Policies EN 2 and EN 4 of the CS, and paragraph 135 of the NPPF.

Final wording of reasons to be delegated to the Assistant Director for Planning