South Tyneside Council

Reference:	250021
Location:	13 Belgrave Gardens (garden to the side of) South Shields NE34 6AW
Ward:	Harton
Description:	Proposed new self-build dwelling house – 3 storey, 3 bedroomed terraced house with 4 no. rooflights. (Resubmission of previously expired permission ST/0873/19/FUL).
Recommendation:	Grant Permission with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site and Proposal

Planning permission is sought for the erection of a new dwelling within the garden area of 13 Belgrave Gardens, South Shields. The site is bounded by the dwelling and remainder of Belgrave Terrace to the north, properties at Selwood Court, Sunderland Road and Grosvenor Gardens to the south and west, and properties at St Mary's Avenue to the east. The dwelling would be located immediately adjacent to the host dwelling and would adjoin this property, and the remainder of the existing terrace.

The dwelling would follow the style of the original dwelling and remainder of Belgrave Terrace in terms of size and design. The dwelling would be constructed to the same ridge and eaves height, would follow the original front and rear building lines and incorporate a matching roof pitch. The development would also use materials to closely match the original dwelling including red brick, mock Tudor boarding, slate roofing, black fascias, frames and rainwater goods, and stone heads and cills.

The site would be accessed via the pedestrian footpath located to the western elevations of the properties at Belgrave Terrace. To the rear eastern elevation, the development would be accessed directly from St Mary's Avenue via the existing garage which would be for the use of the proposed dwelling. The applicant's agent has confirmed the existing access and parking space would remain for the original dwelling.

The area to the south of the existing property where the dwelling is proposed forms part of the curtilage of the dwelling and is characterised by a large area of hardstanding. A holly tree is located to the westernmost boundary of the site and would be unaffected by the proposal.

The site is partly located with the Coalfield High Risk Development Area and appropriate supporting documentation has been submitted as part of the application, along with details relating to contamination risks. The proposal is a resubmission of application ST/0873/19/FUL approved in August 2020.

Relevant Planning History

ST/0873/19/FUL – Proposed new dwelling, three storey three bedroomed terraced house with 4 No. rooflights – Approved 12/08/2020.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 06/03/2025.

Highway Authority
The details of the application have been examined and are considered acceptable given that they reflect a previously approved scheme for the site. The Highway Authority therefore has no objections to the proposal.

Countryside Officer
My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP. The applicant has not submitted any documents relating to ecology to inform their application.

There is a low risk that bats or nesting birds could be present in the adjacent building to the proposal and therefore affected by the development. The Case Officer is therefore advised to apply the bat and breeding birds informatives as part of any permission granted.

In terms of Biodiversity Net Gain (BNG), the Design and Access Statement says:
"The Governments introduction of Bio-diversity requirements since the original Planning Permission was granted is acknowledged, but as this is a one-off custom build house and it is to be built on an existing hard-surfaced area."

It is likely that the application would be exempt from BNG on one of two possible criteria.

De Minimis Criteria

It appears from aerial images on google maps that the proposed development site is all hard standing, with the exception of a tree to the north of the site. The 'Proposed Site & Roof Plan' seem to show this as being retained. If the Case Officer is satisfied that this is the case, then the De Minimis exemption is likely to apply. The Case Officer is advised to assure them selves that no more than 25m2 of habitat will be impacted.

Small Scale Self-Build and Custom Housebuilding Criteria

This applies in cases where a proposal consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. This definition covers development where local planning authorities are satisfied that individuals have had the primary input into the final design and layout of a house to be occupied as homes for themselves. The Case Officer is advised to satisfy themselves that this exemption applies.

Environmental Protection (Land Contamination)

A coal mining risk assessment and investigation was carried out due to the proposal being within a high risk development area due to the geological setting and historical coal workings within the area. This investigation comprised of a series of rotary boreholes sunk to a maximum depth of 30.50m. Natural limestone was recorded at depths of between 2.14m and 1.80m and were proven to depths ranging between 18.50m and 18.02m before sandstone was recorded. There were no coal seams or evidence of coal workings within the boreholes. Based on the investigation, the risk from shallow coal mining activities is considered low and the proposed residential building can be considered safe and stable with no further assessment.

I can confirm that I am happy with the content of the above documents in relation to the proposed development and that the risk from land contamination and historic shallow coal mining is low. I would suggest the unexpected contamination condition is attached however to cover any uncertainties.

Coal Authority
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, the Coal Authority records indicate that the application site may be underlain by probable unrecorded coal mine workings at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

The applicant has submitted a Coal Mining Investigation Report (Geol Consultants, 13 June 2020) to accompany this planning application. This report presents the findings of intrusive site investigations undertaken within the application site to determine the exact ground conditions and the situation in respect of shallow coal mining legacy. I note a Coal Authority Permit was correctly obtained.

Two boreholes were sunk within the application site to a depth of 30.5m bgl; the report states 'no coal seams, or any evidence of coal workings' were recorded at the borehole locations. Based on the findings of the investigations, the report concludes that the application site is safe, stable and suitable for development and no further works are required.

On the basis of the information submitted and the professional opinion of the author for the, The Coal Authority has no objection to this planning application. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Northumbria Police
No objections.

Northern Gas
No objections.

Northern Power Grid
Records returned.

Summary of Representations

No comments received.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007 [CS], a Development Management [DM] Policies Development Plan Document (DPD) 2011, and a Site Specific Allocations Development Plan Document DPD 2012.

The following policies of the South Tyneside Local Development Framework are relevant to this planning application:

- DM1 - Management of Development (A, B, G and M)
- DM7 - Biodiversity and Geodiversity Sites
- CS A1 - Improving Accessibility
- CS EA1 - Local Character and Distinctiveness
- CS EA3 - Biodiversity and Geodiversity
- CS EA5 - Environmental Protection
- CS SC1 - Creating Sustainable Urban Areas
- CS SC3 - Sustainable Housing Provision
- CS SC4 - Housing Needs, Mix and Affordability
- CS ST2 - Sustainable Urban Living

The following LDF guidance is also relevant to this planning application:

- SPD6 - Parking Standards
- SPD9 - Householder Developments
- SPD23 Interim - Mitigation Strategy for European Sites (Recreational Pressure from Residential Development)

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (limited)
- Policy 4: Contaminated Land and Ground Stability (significant)
- Policy 9: Sustainable Drainage Systems (significant)
- Policy SP16: Housing Supply and Delivery (very limited)
- Policy 19: Housing Mix (limited)
- Policy SP21: Natural Environment (significant)
- Policy 33: Biodiversity, Geodiversity and Ecological Networks (significant)
- Policy 35: Delivering Biodiversity Net Gain (limited)
- Policy 36: Protecting Trees, Woodland and Hedgerows (very limited)
- Policy 47 Design Principles (very limited)
- Policy SP26: Delivering Sustainable Transport (very limited)

Only emerging policies where significant weight may be afforded to them are mentioned in the assessment section below, as the NPPF is the driving point for that assessment and for reasons explained in the that section.

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

- Principle of the proposed development;
- Visual amenity
- Amenity of neighbouring residents;
- Highway safety;
- Flood risk;
- Land contamination;
- Biodiversity; and
- Habitats Regulations Screening Assessment and Appropriate Assessment.

Principle of the proposed development

Planning legislation requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The government's National Planning Policy Framework (NPPF) is a material planning consideration in the determination of all planning applications. The South Tyneside Local Development Framework remains the statutory development plan and is usually the starting point for determining applications as set out in the planning legislation.

As a consequence of the Council not having a demonstrable 5 year housing land supply and the Council's Housing Delivery Test results showing that the delivery of housing was substantially below the housing requirement over the previous three years the tilted balance in NPPF paragraph 11(d) applies which states that relevant development plan policies in such circumstances are considered out-of-date and that planning permission should be granted unless:

i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This means that very significant weight must be given to the NPPF as a material consideration in deciding this application.

The NPPF clarifies (footnote 7) that the policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and sites listed in paragraph 194 of this Framework) and/or designated as SSSI, Green Belt, Local Green Space, a National Landscape, AONB, National Parks, Heritage Coast, irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

It should be made clear that this planning application at Belgrave Gardens, South Shields relates to habitats sites, i.e. Habitats Regulations Assessment requirements.

In reaching a decision on this planning application the Council must first determine whether any of the policies relating to Habitats Regulations Assessment requirements provide a clear reason for refusing planning permission.

Some footnote 7 policies do not require all relevant considerations to be taken into account. In these cases if a footnote 7 policy in the NPPF provides a clear reason for refusal then the tilted balance is disapplied. The LPA must then determine (having regard to all relevant considerations including development plan policies) whether permission should be granted.

If a footnote 7 policy does not provide a clear reason for refusal, then the LPA must then move on to limb (ii) and apply the tilted balance. Benefits and harms identified as part of the assessment of footnote 7 policies can still be weighed in the balance, but this time as part of the tilted balance exercise.

The planning assessment that is set out below, against relevant planning policy, in relation to the impact of the development upon highway safety, land contamination, coal mining risks biodiversity and the habitats regulations (that is relevant to habitat sites) makes clear that there is no reason for refusing this planning application. The site is also considered to be in a sustainable location close to shops, services and transport links. Planning permission has also previously been granted at this site for a dwelling. As such the principle of the development is therefore accepted.

It is, therefore, considered that the principle of a dwelling at the site is acceptable having regard to the NPPF, and Policy ST1 of the LDF Core Strategy, although further assessment is required, as detailed below, as to whether or not the proposal is acceptable in respect of other material planning considerations.

Visual amenity

LDF Policy DM1 concerns the 'Management of Development' and Criterion 'A' seeks to ensure that new development conveys sensitive consideration of its surroundings.

The proposed dwelling would be similar in terms of scale, design and choice of facing materials to the host dwelling and remainder of Belgrave Terrace. This would be in keeping with the architectural character of the surrounding residential area and adjoining terrace. A condition is recommended requiring the materials to match those on the host property, 13 Belgrave Gardens, as detailed within the submitted documentation

It is considered that the development would be in accordance with Policy DM1 (A) of the South Tyneside Local Development Framework, and the NPPF.

Amenity of neighbouring residents

Criterion 'B' of LDF Policy DM1 seeks to ensure that developments are acceptable in relation to any impact on residential amenity.

Based on its size, scale and position, it is judged that the proposed dwelling has been designed to ensure that there would be sufficient separation distance between the proposed dwellings within the site and the existing nearby dwellings. The facing habitable room windows within the front and rear elevations would directly face properties at Selwood Court and St Mary's Avenue respectively at distances in excess of 20 metres. A habitable room window is proposed within the gable elevation of the dwelling at roof level, this would not directly face any property given the position of the closest property to the south at Selwood Court. Similarly, windows are positioned within the gable elevations of these closest properties at Selwood Court facing the site at a distance of approximately seven metres, however these appear to be obscurely glazed and as such would not be affected in terms of overlooking or privacy issues. No habitable room windows are proposed to the dwelling which would unacceptably overlook any surrounding property; with the development maintaining acceptable privacy standards within the surrounding area. As such, it is considered that the proposed development would not be materially detrimental to the visual or residential amenities of the occupants the nearby residential properties through unacceptable overshadowing or loss of outlook. For these reasons, it is judged that the proposal would accord with LDF Policy DM1 (B) and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

Criteria G of Policy DM1 seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety. SPD6 Parking Standards sets out the parking standards used in assessing proposals for new development.

The applicant's agent confirmed within the previously approved application that the proposed vehicular access and parking arrangement, with the existing vehicular access and hardstanding to be used for the existing dwelling, and the detached garage to be used as the parking space for the proposed dwelling. Following clarification from the Traffic and Road Safety and Parking Teams within the previous application, it was considered the existing parking arrangements at Selwood Court and St Mary's Avenue were acceptable with no concerns raised, and the details are unchanged as part of this application. It is also not considered the increase of one dwelling at this location would cause substantive parking problems sufficient to warrant refusal of the application.

In relation to possible parking and visibility issues close to the site, particularly at Selwood Court, no issues have been raised by the Traffic and Road Safety Team in relation to these issues specifically. It is therefore judged that the proposals would be in line with the requirements of Supplementary Planning Document 6: Parking Standards. There would be sufficient space within the curtilage of the proposed dwelling for cycle parking, whilst it is also noted there would be sufficient space within the curtilage of the proposed and existing dwellings for the off-street storage of refuse bins.

As such, it is not judged that the proposed development would be detrimental to highway safety and would be acceptable with regard to vehicle movements and parking. It is considered that it would accord with Policy DM1 (G) of the South Tyneside Local Development Framework and the guidance contained within Supplementary Planning Document 6.

Given the above, it is considered that the development proposed would result in no material harm to highway safety in accordance with Policy DM1 (G) of the South Tyneside LDF and the NPPF with regard to highway safety and parking.

Flood risk

Criterion 'K' of Policy DM1 seeks to ensure that developments are designed to minimise and mitigate localised flood risk. Concerns have been raised by neighbours regarding drainage matters.

As the site is not within Flood Zones 2 or 3 it is considered that the only potential concerns relate to surface water runoff. The Lead Local Flood Authority have raised no objections to the proposal in respect of flood risk. The proposal is therefore considered to be in accordance with Policy DM1 (K) of the South Tyneside LDF, the NPPF with regard to drainage and flooding, and Policy 9 in the draft Local Plan.

Coal Mining Risks

The site is located partly within the Coalfield High Risk Development Area, and as such a Coal Mining Risk Assessment detailing intrusive site investigations and borehole testing. The Coal Authority has considered the findings acceptable with no objections raised. An informative is recommended in this regard.

Contaminated Land

The council's Environmental Protection officer has assessed the proposed development with regard to land contamination, noting no objections with a condition has been suggested by the officer requesting that in the event that contamination is found at any time when carrying out the approved development that was not previously identified, along with the means of dealing with such contamination. Subject to the recommended condition, it is judged that the proposals would be in accordance with Policies EA5 and DM1 (M) of the South Tyneside Local Development Framework.

Biodiversity

NPPF seeks to ensure that there is no net loss in biodiversity and LDF Policy EA3 'Biodiversity and Geodiversity' seeks to optimise conditions for wildlife and tackle habitat fragmentation.

The Council's Countryside Officer has reviewed the application and has not raised any significant concerns, subject to the imposition of informatives relating to bats and breeding birds.

Biodiversity net gain is also not required as the proposal meets an exemption as a 'self-build' dwelling, and a condition is proposed to secure this. Given the above, the proposal is considered acceptable in terms of biodiversity impacts in accordance with LDF Policies EA3 and DM7.

Habitats Regulations Screening Assessment and Appropriate Assessment

Given the nature of the proposal and its location, a Habitats Regulations Screening Assessment and Appropriate Assessment have been carried out by the LPA as competent authority and the Appropriate Assessment does not require approval by Natural England as its conclusions are consistent with the parameters in their Standing Advice. In summary, this has concluded that the proposal is compliant with the Habitats Regulations, would not cause unacceptable harm in respect of biodiversity and protected species and that it would not

conflict with LDF Policies EA3 and DM7 or the Interim SPD23. As such, in relation to “habitats site” as set out in Paragraph 11(d)(i) of the NPPF, there is not considered a strong reason to refuse the application relative to this matter.

Other matters

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

Residential development on this site would be acceptable in principle in land-use terms given the application site is located within a built-up area, and surrounded on all sides by residential and commercial properties. Paragraph 11(d)(i) of the NPPF does not direct refusal of the application on the basis of the impacts on habitats sites. Therefore moving onto Paragraph 11(d)(ii) of the NPPF, the proposals are considered acceptable in terms of highway safety/parking, ecology and biodiversity, contaminated land, coal mining risks and visual and residential amenity, subject to conditions. It is therefore recommended planning permission is granted subject to the schedule of planning conditions set out below.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Site / Roof Plan received 09/01/2025
Proposed Ground and First Floor Plan Drg. No. 1 received 09/01/2025
Proposed Second Floor Plan and Front Elevation Drg. No. 2 received 09/01/2025
Proposed Elevations Drg. No. 3 received 09/01/2025

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans. In order to provide a procedure to seek

approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be of similar appearance to those used in the construction of the exterior of 13 Belgrave Gardens. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

5 No demolition, construction or associated works or deliveries of materials shall take place outside of the hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or public holidays.

To safeguard the amenity of the nearby residents, in accordance with Policy DM1 (B) of the South Tyneside Local Development Framework.

6 The dwelling hereby approved as implemented shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).

To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

Informatives

1 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and

mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)
In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

2 The Council requires the developer to provide to each unit before first occupation a 240l refuse bin and a 240l recycling bin to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council.

3 UNIQUE NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

4 All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

5 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development or demolitions does not provide a defence against prosecution under this act. Buildings and vegetation, such as trees and scrub, may contain nesting birds, primarily between 1st March and 31st August inclusive. The applicant is advised to avoid works during this period unless they have ascertained that active nests are absent, for which they may require the services a competent ecologist.

Case officer: Nick Graham
Signed: N. Graham
Date: 21/01/2026

Authorised Signatory: *G. Simmonette*
Date: 26/01/2026