

# Comments for Planning Application W/22/1405

## Application Summary

Application Number: W/22/1405

Address: 33 Moorhill Road, Whitnash, Leamington Spa, CV31 2LG

Proposal: Erection of single storey rear extension and first floor side extension.

Case Officer: Lucy Shorthouse

## Customer Details

Name: Miss Rachel Christie

Address: Ecological Services, Warwick CV34 4SX

## Comment Details

Commenter Type: Commentor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As an existing roof will be affected, in an area with multiple bat records and potential good foraging habitat for bats, I recommend that clear photographs of all elevations of the building (front, rear, and sides) showing the whole roof including any ridges, gable end, and any existing extensions are provided prior to determination of the application so we can make an assessment if a bat survey or any condition for ecologist supervision of works is required.

If any trees are proposed to be removed, please also send photographs.

The application should be refused until photos are provided.

Additional comments will be provided on receipt of photographs.

Reason: The Natural Environment and Rural Communities Act 2006 (NERC Act) places a duty on local authorities and other public bodies to consider the biodiversity when carrying out all of their functions (Paragraph 40(1)). Where an application fails to satisfy these obligations, this may be treated as a valid reason for refusal.

The National Planning Policy Framework (NPPF) Section 15 (Paragraph 180 (a)) states that "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Within the planning system, the ODPM Circular (06/2005) states that the presence of a protected species is a material consideration within the planning process (paragraph 98). It also states that the presence of a protected species must be established prior to the determination of an application (Paragraph 99).

Bats are additionally deemed European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017. I would point out that: "The Conservation of Habitats and Species Regulations 2017 requires all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive" and "(The Habitats directive)...makes it an offence deliberately to capture, kill or disturb a member of a European protected species or to damage or destroy the breeding site or resting place of such an animal."

Please do contact us if there is any uncertainty to what we require.

Thank you.

Rachel Christie  
Assistant Ecologist