



TOWN AND COUNTRY PLANNING ACT 1990

## PLANNING DECISION NOTICE – PERMISSION

**S6/2009/2727/S73B**

**VARIATION OF CONDITION 4 (OF APPLICATION S6/2009/2273/FP) FROM No works of site clearance, demolition or construction shall take place in pursuance of this permission until: - A Habitats Regulations (EPS) licence has been obtained from DEFRA. Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the Local Planning Authority. TO No works of site clearance, demolition or construction, except in respect of the construction of the detached outbuilding required for the re-housing of bats, shall take place in pursuance of this permission until: - A Habitats Regulations (EPS) licence has been obtained from DEFRA. Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the Local Planning Authority**

**at: VINE COTTAGE WELL ROAD NORTHAW POTTERS BAR**

### Agent Name And Address

MR P NICHOLAS  
BUILDING DESIGN CONSULTANTS  
REAR OF 1 HERWARD CLOSE  
WALTHAM ABBEY  
EN9 1QP

### Applicant Name And Address

MR P VICARY  
191 CHURCHGATE ROAD  
CHESHUNT  
EN8 9EJ

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 23/12/2009 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development/works shall not be started and completed other than in accordance with the approved plans details contained in the letter of Jones & Sons (Environmental Sciences Ltd) dated 21st December 2009 unless otherwise agreed in writing by the Local Planning Authority:

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

2. No works of site clearance, demolition or construction, except in respect of the construction of the detached outbuilding required for the re-housing of bats, shall take place in pursuance of this permission until:

- A Habitats Regulations (EPS) licence has been obtained from DEFRA.

## Continuation ...

Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the Local Planning Authority

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with PPS9 Biodiversity and Geological Conservation.


### REASONS FOR APPROVAL

The proposal has been considered against National Planning Policy Guidance PPS9 and East of England Plan 2008 Policy ENV3, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan.

### INFORMATIVES:

1. Please note the requirements in Condition 2 above imposes a restriction on when certain development works can be carried out as part of this planning approval in order to protect the bats present on this site. For clarification, this planning condition requires that a suitable replacement roosting site must be constructed before any works to the roof of the existing house commence.
2. Due to the impact of the approved works on the existing bat habitat a licence to derogate from the protection of the Habitat and Species Directive in the Conservation (Natural Habitats & c.) Regulations 1994 will need to be granted by Natural England before works start. The licence application will need to include a Method Statement with the results of the surveys (species of bats and roost type). In addition, Natural England will require a copy of the planning consent and a Reasoned Statement providing justification as to why the proposed works meet the requirements of the Conservation (Natural Habitats & c.) Regulations 1994. The mitigation strategy, including the licence application, must be instigated under the personal supervision of the bats consultants.
3. When designing external lighting as part of Condition 2 above, it is necessary to ensure there will be no direct lighting on the bat roosting area, particularly roost access and exit points. Any proposed exterior lighting should ensure dark dispersal flight routes, from the roost sites out into the surrounding woodland.
4. Existing mature trees and hedges should be retained to reduce the potential impact on bats which may be harmful to their habitat.
5. In regards to future bat boxes on trees as part of the mitigation scheme, these should be sited near a source of food. Bats feed over gardens, fields, water and in woodlands. Tall mature tree should be used and the boxes fixed at a height of 4 metres above the ground with the access facing south west or south east. The boxes should not be not too exposed so it will not experience extremes of heat and cold.

**Date:** 03/02/2010



**Continuation ...**

Tracy Harvey  
Head of Development Control