

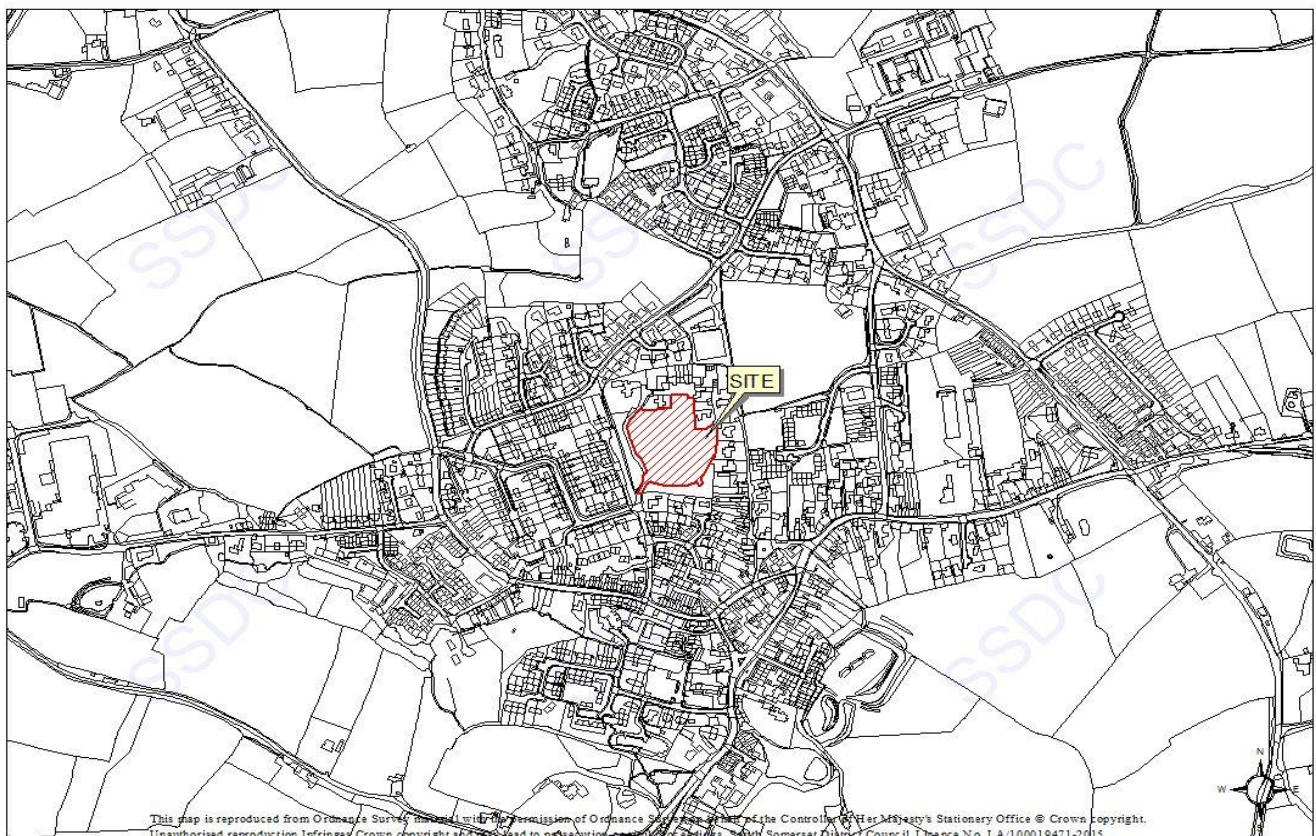
Officer Report On Planning Application: 16/04434/FUL

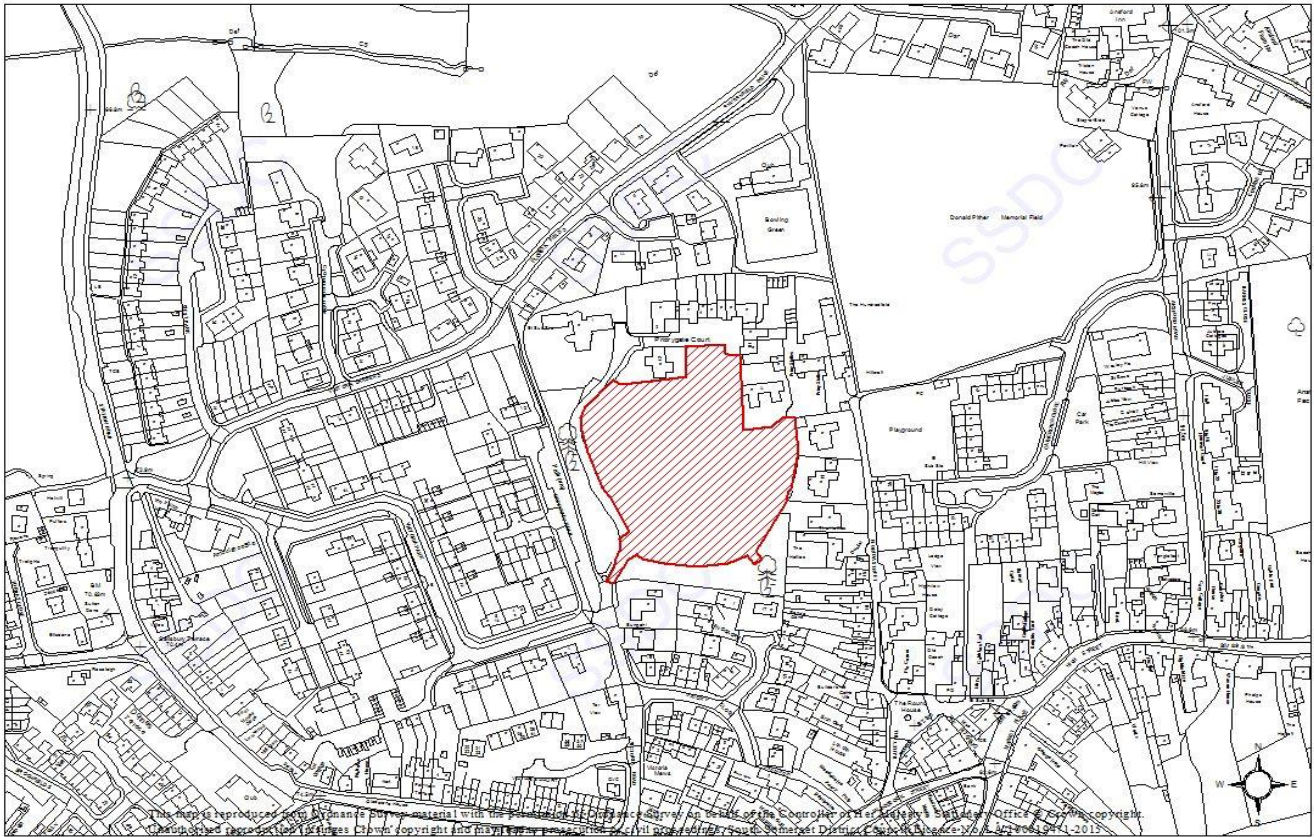
Proposal:	Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory.
Site Address:	The Priory Priorygate Court Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	13th January 2017
Applicant:	Mr Bob Berridge
Agent: (no agent if blank)	Mr Christopher Brooks BN1 Architects 202 Ditchling Road Brighton BN1 6JE
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area vice-chair, in order to allow the concerns of local residents to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks permission to refurbish and convert an existing large house into one 4 or 5-bedroom house, three 1-bedroom apartments and one 2-bedroom apartment. It also seeks permission for the conversion of an existing coach house to form two 2-bedroom semi-detached houses, for the demolition of the existing pool structure and its replacement with two bungalows, the erection of three detached dwellings to the south of the existing house, and for the erection two detached dwellings as gatehouses at the entrance to the site. The site consists of a derelict mansion and its outbuildings set within somewhat overgrown grounds. The site is close to various residential properties. The site is within a development area and a conservation area as defined by the local plan. The existing house is a grade II listed building.

Plans show the refurbishment and conversion of the main house to form a single large dwelling and three apartments. They show the erection of two 2-storey, 2-bedroom 'gatehouses' at the entrance to the site, and three 2-storey, 4-bedroom houses to the south of the existing grounds. Vehicular access to the refurbished main house and the 'gatehouses' will be via the existing southwest entrance to the site. Plans show the demolition of an existing pool house directly to the east of the main house, and its replacement with two 2-bedroom bungalows, constructed as lean-to structures off the existing boundary wall of the site. These will be accessed via the existing private road to the south and east of the site (as will be the proposed 4-bedroom houses). The bungalows will be served by a new car port proposed at the easternmost edge of the site, linking to each other by a newly proposed gravel path. It is proposed to convert an existing coach house into two dwellings. The coach house dwellings and the three apartments in the main house will be accessed via the existing road to the west and north of the site and will be served by a parking area to the north of the main house.

HISTORY

16/04435/LBC - Refurbishment and conversion of St John's Priory (Formerly Florida House) to form 4 bed house, 3 no. 1 bed apts and 1 no. 2 bed apt. Conversion of existing coach house to form 2 no. 2 bed semi-detached houses, demolition of existing pool structure and construction of 2 bungalows as

replacement, together with 3 no. detached houses to south of the Priory, and 2 no. 2 bed houses sited at the entrance to the Priory - Pending consideration.

06/02747/LBC - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 29/11/2006

06/02748/FUL - The conversion of the Priory building, attached structures and adjacent garage/office building into 14 no. apartments together with associated parking spaces - Application withdrawn 30/11/2006

98/02617/FUL - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02619/LBC - The construction of an enclosed swimming pool and the erection of a conservatory attached to the Priory - Application permitted with conditions 15/02/1999

98/02624/FUL - Erection of a two bay garage block with office and residential accommodation over in lieu of previously approved five bay garage block - Application permitted with conditions 15/02/1999

98/02375/FUL - The erection of a detached dwelling with swimming pool on plot 1 (amended design) - Application permitted with conditions 24/09/1999

98/01285/FUL - Erection of a four bay garage block and reduction in size of approved garage block - Application permitted with conditions 13/08/1999

97/02647/LBC - Carrying out of internal and external alterations to include the provision of doors in two existing window openings - Application permitted with conditions 31/12/1997

97/02464/FUL - The erection of 13 dwellings and the conversion of outbuilding to one dwelling - Application permitted with conditions 13/01/1998

97/00917/LBC - The demolition of single storey buildings - Application permitted with conditions 10/07/1997

97/00918/FUL - Change of use of priory building to one dwellinghouse - Application permitted with conditions 16/06/1997

97/00520/OUT - The construction of access roads, the erection of 10 dwellings and the conversion of outbuilding to 1 dwelling - Application permitted with 10/07/1997

97/00521/LBC - The demolition of a single storey building - Application permitted with conditions 10/07/1997

96/02876/FUL - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/02877/LBC - The conversion of coach house into a dwelling - Application permitted with conditions 28/01/1997

96/00265/FUL - Conversion of stable block into a dwelling - Application permitted with conditions 19/03/1996

96/00266/LBC - Conversion of stable block into a dwelling - Application permitted with conditions

29/03/1996

95/02663/LBC - The re-siting of entrance gates and pillars - Application withdrawn 21/03/1996

95/02653/OUT - The erection of 17 dwellinghouses - Application withdrawn 21/03/1996

95/05265/FUL - The use of main priory building as a residential nursing home - Application permitted with conditions 20/11/1995

95/05266/FUL - The use of main priory building as hotel and conference centre - Application permitted with conditions 20/11/1995

95/05267/FUL - The use of main priory building as office accommodation - Application permitted with conditions 20/11/1995

95/05264/OUT - The erection of fourteen dwellinghouses and to include amended access proposals (outline) - not found 01/04/1996

95/05262/FUL - Conversion of stable block into two dwellings and provision of parking area - Application refused 13/12/1995

95/05263/LBC - Conversion of stable block into two dwellings and provision of parking area (listed building consent) - Reg3 County (SSDC raise objections) 13/12/1995

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Castle Cary Town Council - Recommends approval, but makes the following suggestions to be taken into consideration:

- The developer considers a larger parking area without a carport and with a turning circle by the gates to number 11.
- The residents might negotiate to buy the village green.
- The developer to place screening between the village green and the car parking and make the car parking of a 'grass mesh' material to maintain a grassy effect.
- An appropriate outer housing to be put in place around the large rubbish bin.

County Highway Authority - Originally raised no objections. On the receipt of amended plans they offered the following advice:

"Looking at the amended plans, the overall change is would not appear to have a detrimental impact on the Highway.

The new build at the southern end of the application appears to have not had any changes. The two 'gatehouses' with two bedrooms which have been added due the relocation of the pool house dwellings which have sufficient parking.

There is still sufficient parking within the site and turning which will allow vehicles to enter the highway in a forward gear and would not pose a significant highway safety concern.

Taking the above into account, the Highway Authority does not wish to raise an objection to the application..."

They suggest conditions to control:

- Repairing damage to the public highway
- Securing the submission and implementation of a construction traffic management plan
- The disposal of surface water so as to prevent discharge onto the highway
- Securing the provision and retention of the proposed parking and turning.

SSDC Landscape Architect - *"As now presented, the 3 detached houses to the south of The Priory are to be cut into the ground, with levels broadly equating to that of the access road to the south. The resultant level differential between the site and the Priory's grounds is to be taken up by gabion walling, with hedging above. The relative levels are indicated on the sectional elevations, drawings SK.014A and SK.015, and this indicates the new build as being sufficiently set down to be acceptable. There is a certain amount of cut between the proposed new lodges and the grounds, and similarly this approach will play down the impact of the new build from the front of the Priory. However, what is critical is that the housing's boundaries are softened and regularised as viewed from the Priory. Some amendment has been made to the planting proposal, drawing ATC/350 appendix 6 rev1 - strategic landscape plan. It indicates that other than the access drive trees, other tree planting is pushed back from the Priory such that it continues to enjoy an open area to its front, which I agree to be the correct approach. However, I consider that the fringe of the open space should be fringed predominantly by shrub planting, such that there is a consistent treatment that masks the hedge around the new build, and unifies the existing planted areas, which will respect the immediate setting of the listed building. Neither am I entirely convinced that hedging to contain the residential sites, is a practicable solution, for their management will not be straightforward.*

I have previously advised that in terms of species, the mix is predominantly - but not exclusively -

deciduous, and that the species palette is limited, to bring a coherence to the planting scheme. Whilst I am seeking some further amendment before we have an agreed plan, I consider that the current plan is sufficiently heading in the right direction for the fine-tuning to be conditioned."

SSDC Tree Officer - *"In my opinion, the only significant proposed tree loss would be the mature Oak (T412) to make room for Plot 3. However, the Oak does not appear to be particularly prominent to Public view from within the town and it adjoins a large Lucombe Oak of similar stature. The proposed loss of the Oak might even improve architectural views of The Priory, as seen from the wider landscape. The Priory is framed by a diverse range of large evergreen and deciduous specimen trees that provide a variety of complimentary forms which are prominent to view. An outline landscape plan has been submitted to ensure the planting of a future generation.*

I believe that the submitted layout and tree protection measures have been carefully considered to minimise the arboricultural impacts of the proposal. If consent is to be granted, I would be grateful if you would ensure the implementation of appropriate tree protection and planting measures."

SSDC Ecology - Initially raised significant concerns with the proposal, advising that no permission should be granted until further bat surveys had been carried out. On the receipt of additional information, he offered the following advice:

"In my response dated 16 January 2017, I advised there wasn't sufficient information (bat surveys) and in accordance with guidance and common practice, advised against grant of planning permission until further summer bat emergence surveys have been completed.

I have since met on site with the applicant and their ecological consultant, and given further consideration to this case. The applicant has also submitted further supporting information including a plan indicating locations of retained and compensation bat roosts to be provided in loft spaces of the Priory, and an 'Advanced Bat Mitigation Strategy' (Andrew Waller 2/2/17) that outlines other mitigation proposals.

There have been ongoing problems with site security and damage to the property from vandalism. As well as a threat to the fabric of the buildings, this also presents a significant risk to the bats and their roosts which in a worst case scenario could result in significant harm to bats and loss of a bat roost of moderate/high conservation importance. I therefore consider this to be an exceptional circumstance that justifies a departure from normal practice.

I therefore now consider it preferable not to delay the application (and associated site presence and security that would follow a grant of planning permission), and instead I recommend the summer bat emergence surveys, and submission of further bat mitigation details, are made the requirement of a condition...

... Slow worms could potentially be present on site due to the presence of suitable habitat.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

They are also legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect...

...Badger setts are present on site. The main area of sett activity is in an area that won't be directly affected by development and hence the sett can be retained. However, there is potential for outlier setts to be created in areas that could conflict with development activity, or for indirect impacts to the main sett. I therefore recommend a condition..."

He recommends specific conditions and then goes on to note the following:

"An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

See appendix 1 for Natural England guidance on tests 1 and 2.

In respect of test 3:

Evidence in the form of significant numbers of bat droppings, and confirmation from DNA analysis, indicate loft voids in the Priory are used for roosting by lesser horseshoe bats. Numbers of bats and type of roost (e.g. maternity or not) aren't yet known and neither are the roost access points. Due to a known history and ongoing threat of vandalism, and consequent risk to bats and their roosts, further survey work will be made the requirement of a condition rather than requiring prior to grant of planning permission.

Inspections didn't find any evidence of bats using the coach house or the pool building on site.

In respect of mitigation, a project phasing program submitted by the applicant shows works to the Priory to be scheduled only after the further bat emergence surveys have been completed and mitigation has been devised. A planning condition will be used to enforce this restriction and to also restrict other works that could have an impact upon key flight lines. Retention and allocation of three loft spaces, of sizes/dimensions suitable for lesser horseshoe use, are indicated on plans. An 'Advanced Bat Mitigation Strategy' (Andrew Waller 2/2/17) gives outline mitigation measures that in addition to retained/compensation roosts also include impact avoidance measures for bat flight lines and light spillage.

Conditions will be used to ensure the further bat surveys and further bat mitigation details are submitted for approval by the local planning authority.

With the above measures, I conclude the proposed development can be undertaken without loss of the lesser horseshoe bat roost and favourable conservation status for this species can be maintained."

SCC Archaeology - No objections

Wessex Water - Notes that new water supply and waste water connection will be required from Wessex Water and advises how these can be obtained. They note the importance of the developer

undertaking a survey around the site to determine local drainage arrangements and the need to contact Wessex Water if certain sewer types are affected.

SSDC Strategic Housing - Notes that 35% of the housing should be affordable and states that this equates to the provision of five dwellings, three of which should be social rent and two other intermediate products. She requests a property mix of 1 bedroom flat, 2 two-bedroom houses, and 1 four-bedroom house. She states that the minimum space standards should be adhered to and that the legal agreement should include appropriate trigger points to ensure some of the affordable housing is provided in the event that the site is only ever partially built out. She states that she would expect that the affordable units are developed to blend in with the proposed housing styles, as an integral part of the layout. She then provides a list of approved housing association partners for delivery of affordable units.

SSDC Community, Health and Leisure - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £8,488 (local)
- Youth facilities £1,667 (local)
- Community halls £6,165 (local)
- Playing pitches £5,532 (local)
- Changing rooms £9,554
- Theatre and art centres £3,712 (strategic)
- Commuted sums £9,645 (local)
- 1% Community, Health and Leisure Service administration fee £448

Overall level of planning obligation to be sought: £45,210 (£3,478 per dwelling)

SSDC Conservation Officer - Initially stated:

"I am satisfied that we have arrived at a point where I feel the design will not cause harm to the significance of The Priory. The work to the principle building has always been fairly straightforward. The main house will be retained as a single residential unit, which is essential for its ongoing conservation. A scheme to convert this into flats would cause great harm to the character of its interior.

The new builds have been more difficult. I would love to have a scheme that didn't include the new build units around the edge of the site, but I accept that this level of development is essential to make the scheme viable. These units have been designed and sited appropriately so as not to cause harm to the setting of the main building. They will have some impact without doubt, but with appropriate landscape mitigation and boundary treatments I am satisfied that this can be managed to a satisfactory level."

He then went on to raise objections to the originally proposed phasing, stating:

"...the phasing proposal needs more work. This appears to be the same one that was discussed over email with the agents last November, and doesn't appear to have been amended. The purpose of agreeing a phasing scheme through a s.106 agreement is to ensure that the repairs to the historic building are carried out at an early stage, alongside some of the new build work. This is to ensure that more profitable new build units are not constructed and sold off without undertaking the necessary repairs to the existing building. It is essential that the phasing scheme that we agree is straightforward and easy to enforce. Phases need to have a clear start and end time. It needs to be possible, through the S.106 agreement, to 'discharge' a particular phase through a site visit and formal letter before the subsequent phase can commence."

On the receipt of an amended phasing scheme, he stated:

"I am now happy with the phasing scheme as amended. Therefore I am in a position to offer my full support to the scheme.

I suggest splitting up the conditions for the new builds into three groups - pool replacement, lodge buildings and the three large houses in the southeast corner of the site. Conditions for these should cover all the usual external finishes and details including, materials (including samples of roof materials and sample panels of stone and render); eaves, verges and rainwater goods; window systems including recessing and lintel treatment; external fittings including pipework, lighting, vents and grills; and associated external surfacing / landscaping.

A condition needs to be used relating to works to the Coach House, which could be a simple single condition to cover all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc.

A condition needs to cover full details of the car port building.

A landscaping condition, which is crucial to the success of the scheme. As well as planting this should include all hard surfacing and boundary treatments."

In regards to the principle building he suggests conditions to control:

- Details of bat mitigation measures
- Details of external repair
- Details of new doors, windows, boarding etc.
- Details of roof lights
- Details of any external features
- Details of any work to structural timbers
- Details of any services for new WCs, bathroom, kitchens or utility rooms
- Details of any new interior surfaces, including any making good
- Details of any alterations to doors
- Details of any work to upgrade existing floors and walls in relation to acoustic and fire separation between the units.

Avon and Somerset Crime Prevention Design Advisor - No objection or comments.

Somerset Wildlife Trust - Objects to the lack of an ecology statement.

Lead Local Flood Authority - States that the proposal falls below the requirements for LLFA statutory consultation.

Historic England - States that the application should be determined in accordance with national and local policy guidance, and on the basis of the LPA's specialist conservation advice.

SSDC Climate Change Officer - Raises an objection because the new build units have not been designed with solar photovoltaic panels in mind.

SSDC Area Development - Welcomes the proposal in general terms but raises concern a with the proposed pool house apartment block. She recommends that phasing or other suitable safeguards are put in place to ensure that the improvements to the Priory take place. She notes the submitted viability appraisal and states that a review should be factored in.

Somerset Waste Partnership - Initially raised concerns with the proposed bin storage and collection arrangements. On the receipt of additional information and amended plans they withdrew their objections to the scheme.

REPRESENTATIONS

Letters of objection were received from the occupiers of fifteen neighbouring properties and the occupier of one property in London. Objections were raised in the following areas:

- Use of/destruction of/damage to the 'village green'
- Highway safety including inadequate parking
- Construction traffic disturbance
- Ongoing disturbance from increased traffic
- Harm to the character of the area and the setting of the listed building
- Harm to the character of the listed building
- Harm to ecology/biodiversity
- Harm to amenity from bin storage arrangements
- Concern that the developer will not be able to meet financial obligations
- Inappropriate scale of development
- Loss of privacy to existing residents
- Damage/loss of protected trees
- Inability of local infrastructure to cope with further development
- Lack of local benefits

CONSIDERATIONS

Principle of Development

The site is located within the development area of Castle Cary, a local market town as defined by the local plan. Policy SS1 of the local plan directs development to existing settlements and states that in market towns "*...provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres.*"

In this context, the principle of residential development in this location is considered to be acceptable, and to accord with the policies of the local plan and the aims and objectives of the NPPF.

Heritage Impacts and Visual Amenity

The proposal involves the restoration of a much dilapidated grade II listed building, which is on the Council's buildings at risk register. It has become clear that the building will not be restored to a satisfactory state, without cross-funding from other development. The SSDC Conservation Officer has stated that the proposed new-build units, which would provide such cross-funding, have been designed and sited appropriately so as not to cause harm to the setting of the main building. However, he has stated that they will have some impact, which could be managed to a satisfactory level through appropriate landscape mitigation and boundary treatments. He has also stated that he would prefer to see a scheme that does not include any new build units around the edge of the site. Therefore despite his assertion that the proposal will cause no harm to the setting of the listed building, it must be concluded that there is some harm to the setting of the primary building, albeit very limited. However, such limited harm is clearly outweighed by the benefit of restoring the building, which must be seen as the primary benefit of the scheme.

To ensure that this primary benefit of the scheme is secured, it is necessary to very carefully control the phasing of the scheme. A broad phasing strategy has been agreed with the applicant that would

prevent the commencement of most of the new build units until the most important works to the listed building have taken place, and will prevent the occupation of the most valuable new build units until the Priory has been fully restored. The conservation officer has accepted that the proposed phasing scheme is now acceptable. It will be necessary to secure this phasing through an appropriate legal agreement between the applicant and the LPA in the event that permission is granted. Concern has been expressed locally that the applicant will not be able to meet their financial obligations, presumably in reference to the above concerns. However, it is considered that the above outlined phasing scheme would satisfactorily ensure that the building is fully restored if the proposed development takes place.

The conservation officer has accepted the design of the proposed changes to the listed building and the new-build units in its grounds, subject to a variety of conditions on any permission issued. The opinion of the conservation officer is considered to hold considerable weight in applications of this nature and, as such, contrary to local concerns, the impact on the character of the conservation area and the character and setting of the listed building is considered to be acceptable. The SSDC Landscape Architect was consulted as to the impact of the scheme on the wider area, and raised no objections subject to fine tuning through the imposition of landscaping conditions on any permission issued.

Therefore, notwithstanding local concerns regarding harm to the character of the area, the listed building and its setting, and an inappropriate scale of development, the proposal is considered to be of a satisfactory standard of design that would have no significant adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan. The very minor adverse impact to the setting of the listed building is outweighed by the benefit of securing its restoration.

Residential Amenity

Concerns have been raised locally that the proposed development will adversely impact the privacy of neighbouring occupiers, and the general tranquillity of the area. However, due to the size and position of the proposed dwellings, it is not considered that there would be any demonstrable harm to the residential amenity of adjoining occupiers by way of overlooking. There will be no significant impact on neighbouring properties by way of overbearing or overshadowing. In regards to the general tranquillity of the area, additional dwellings (and the resultant vehicle movements and day to day activities of the future occupants) will inevitably create some additional level of disturbance. However, there is no reason to assume such disturbance would be unreasonable and beyond what would normally be expected in a residential area. The construction phase will also inevitably create disturbance. However such disturbance will be of limited duration and can be controlled to some extent through the imposition of a construction management plan condition on any permission issued.

Therefore the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Ecology

Local concern has been raised as to the impact of the proposal on local ecology, and protected species are known to be present on site. As such, the SSDC Ecologist was consulted. He initially raised an objection to the scheme on the grounds that appropriate bat surveys had not been carried out and that permission should not be granted prior to the completion of such surveys. However, on the receipt of additional information from the applicant, he conceded that ongoing problems with site security and damage to the property from vandalism, as well as a threat to the fabric of the buildings, presents a significant risk to the bats and their roosts, which in a worst case scenario could result in significant harm to bats and loss of a bat roost of moderate/high conservation importance. He considers this to be an exceptional circumstance that justifies a departure from normal practice and therefore considers it preferable not to delay the application (and associated site presence and

security that would follow a grant of planning permission). He recommends the use of conditions to secure summer bat emergence surveys, and submission of further bat mitigation details. He also recommends the use of conditions in respect to slow worms and badgers. All the suggested conditions are considered to be reasonable and necessary.

As the scheme will result in the modification of a bat roost, the SSDC Ecologist has indicated that an assessment against the three Habitats Regulations tests will need to be made. The tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

In regards to the first test the applicant has made the following statement:

"The priory was taken over by the Sisters of Jesus Crucified for a period of time before it returned to being a single dwelling, for the past 10 years or so the Priory has lain derelict slowly dilapidating as time and weather conditions slowly broke down its fabric.

Over recent years the property has been regularly vandalised, with removal of lead flashings and tiles which have increased the amount of water penetration, to a point where, If nothing is done in the imminent future this 'Special Building' will be lost. It is possible that with the ongoing vandalism, a fire may occur which would also totally destroy the Building and the Bats which inhabit some of the loft space.

The current state of the Priory is a potential risk to anyone entering especially those without safety gear and knowledge of the current state of the internal floors, which in certain areas have already failed. Whilst our Client has made every effort to secure the building numerous attempts to break in have occurred, and it is highly likely that someone will eventually get hurt. This risk can be remedied by granting of Planning and Listed Building consent

Due to the current state of the Priory the proposed conversion of the house to a 4 Bedroom House and 4 apartments within the service wing is a responsible way to ensure the continuity of this Grade II Listed Building in perpetuity.

Financially in order to carry out the extensive works necessary to reinstate the interior of the Priory to its former glory additional works will be needed across the site and are as follows:

- *Conversion of existing Coach House into two Dwellings*
- *Demolition of existing Pool Building which is an eyesore, and replacement with two bungalows sitting subservient to the service wing.*
- *Provision of 3 No Contemporary Houses to the south of the site*
- *Erection of a pair of Gate Houses forming a formal approach to the Priory*

Due to the grandure of the building and the extent of roof space, some redevelopment within the roof space is necessary to provide sufficient funds to carry out the remedial works to reinstate the building to a safe habitable condition.

Our Ecologist report sets out agreed areas of roof space which exceed 300 cu m agreed with the SSDC Ecologist as good Bat roosting areas. These areas will have additional soundproofing to ensure that the Bats remain undisturbed.

This shows our Clients commitment to ensuring the roost is safeguarded."

The proposal is therefore considered to meet a purpose of overriding public interest and consequently the first test is satisfied.

In regard to the second test and the 'do nothing' scenario the applicant has made the following statement:

"It is clear from photographic evidence (attached) that there has been substantial damage to the building by water ingress, dry rot, wet rot and vandalism. There has in the past been minor Fire damage which if unchecked could lead to a catastrophic situation. If nothing is done to make good the ongoing breakdown of the fabric, the entire building is likely to fail, whether by structural failure or vandalism there will not be a space for the protected bats. Previous planning applications have failed to meet with approval and it is felt that this application is critical in saving the Priory from the vagaries of time and weather and also importantly, the protection of a roost of protected Bat species."

As such, there is considered to be no satisfactory alternative and consequently the second test is satisfied.

In regard to the third test the SSDC Ecologist's comments are noted in full above. He has stated that *[c]onditions will be used to ensure the further bat surveys and further bat mitigation details are submitted for approval by the local planning authority.*

With the above measures, I conclude the proposed development can be undertaken without loss of the lesser horseshoe bat roost and favourable conservation status for this species can be maintained." As such, the third test is satisfied.

Highways

Significant local concerns have been raised as to the impacts of the proposal on highway safety both through increased use of the existing substandard roads and insufficient parking proposed. The county highway authority was consulted as to these impacts and concluded that there would be no significant highway safety concerns, subject to the imposition of various conditions on any permission issued.

The Town Council have requested that the developer considers a larger parking area without a carport and with a turning circle by the gates to number 11. However, such a change is not considered necessary by the county highway authority and would not be achievable within the constraints of the existing protected trees on site.

As such, notwithstanding local concerns, it can be concluded that there will be no significant adverse impact on highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Trees

Local concerns have been raised in regard to the potential for loss of and damage to protected trees on site. The SSDC Tree Officer has considered the scheme in detail and concluded that the impacts will be acceptable, subject to the imposition of certain conditions on any permission issued. Such conditions are considered to be reasonable and necessary. As such the impact on protected trees is considered to be acceptable in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan.

Waste and Bin Storage

Concern has been raised locally that the proposed recycling and waste storage arrangements are not satisfactory and are likely to cause disturbance to existing residents. The Somerset Waste Partnership

was consulted and agreed that the proposed arrangements are acceptable from their point of view. Due to the proposed position of the bin storage facility and suggested collection points, there is unlikely to be any significant impact on the residential amenity of neighbouring occupiers. The neighbours' concerns regarding hygiene are noted, but there is no reason to assume that the proposed arrangements for domestic waste are likely to cause any issues in this regard.

Open Space

The area of concern that appears to be most exercising local occupiers is the impact of the proposal on the area of open space to the north of the Priory buildings, which appears to be known locally as the 'village green'. The 'village green' consists of a larger area of grass separated from a smaller area of a grass by a tarmac driveway, and containing several trees and shrubs. The proposal initially submitted involved the loss of much of the 'village green' to the erection of an apartment building. This loss has been removed from the current iteration of the proposal. The current proposal involves the use of the smaller grassed area for parking and for a bin store, and the use of a portion of the larger grassed area for parking. The town council have suggested that this parking area is surfaced with a 'grass mesh', to which the applicant has agreed, and which can be secured through the imposition of an appropriate condition on any permission issued. The town council have also suggested that screening should be erected between the proposed parking and the 'village green', however it is not clear that such screening would serve a useful planning purpose, and may even serve to make the space less flexible.

In the original approved drawings for the nearby dwellings the 'village green' area is shown as a 'courtyard' with no obvious access from surrounding properties. No conditions of the planning permission pertain to its use. Some later drawings submitted to discharge planning conditions show it in its current state and labelled 'village green', which is possibly where the impression locally that it has some official public open space use arises from. However, these discharge of condition drawings do not outweigh the official approved plans for the scheme. The 'village green' therefore does not have any statutory protection as an area of public open space. It is in the ownership of the applicant and its use by the surrounding community could be stopped with no recourse to the planning system. It is understood that it is currently maintained by the existing residents association, however the maintenance and use of the area is at the sufferance of the applicant.

Therefore, whilst the loss of any of the green space currently enjoyed by the existing residents of the surrounding properties is regrettable, it would not be reasonable to withhold permission on that basis. It is noted that a significant proportion of the existing green space is to be retained and the applicant has offered to transfer this remaining land to a management company to allow it to be used by all residents of the existing and proposed developments in perpetuity. Such a transfer is not necessary to make the development acceptable, so it cannot be secured through the planning system. However, it would not be unreasonable to use a condition to remove permitted development rights for outbuildings and means of enclosure on the land to ensure that it remains open to preserve the setting of the listed building. It is further noted that the 'village green' is not the only green area available to residents of the existing estate; each property benefits from its own private garden.

The town council have suggested that the residents might negotiate to buy the village green. This would be a matter between the residents and the applicant and not a matter that the planning system could be involved with.

Contributions

Policy HG3 the adopted South Somerset Local Plan requires that 35% of the proposed units are affordable housing. However the applicant has carried out a viability assessment, which has been checked by the independent District Valuer (DV). The DV has agreed that in current market circumstances the scheme is unable to support the provision of any on-site affordable housing. As

such, in accordance with policy HG3 of the local plan, a reduction of provision (to zero in this case) is considered to be acceptable. However, as suggested by the DV, a review mechanism should be included in any section 106 agreement to recoup a fair proportion of any available surplus in the event that improved market conditions result in a surplus or 'super normal' profit for the applicant.

£45,210 (£3,478 per dwelling) of contributions towards the provision of outdoor playing space, sport and recreation facilities has been requested by the SSDC Community, Health and Leisure department. Such a request is considered to be reasonable and in line with local plan policies, and the DV has not agreed that it should be waived. However, no suitable mechanism to secure such a contribution has been submitted by the applicant and, due to the timescales involved, it would not now be possible to get such a mechanism in place before the 3rd April 2017, when the Community Infrastructure Levy (CIL) comes into force in the district. The applicant has therefore agreed that any permission should not be issued until at least the 3rd April 2017 and is aware that any such permission would then be liable for CIL. CIL liability would replace the outdoor playing space, sport and recreation facilities contributions discussed above.

Other Matters

The town council have suggested that an appropriate outer housing is put in place around the large rubbish bin. A housing of buff brick with cedar doors for the bin in question is proposed and has not been objected to by the SSDC Conservation Officer.

A concern has been raised that local infrastructure is inadequate to cope with the proposed development. However, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

A concern has been raised locally as to the lack of local benefits offered by the scheme. However, the benefits of the restoration of the listed building at risk are considered to be significant, and to outweigh the very modest harm to its setting. The proposal will also provide additional housing towards the shortfall of supply in the district. The proposal will also provide a contribution toward infrastructure in the form of CIL. As such, the scheme is policy compliant in terms of benefits, and it would be unreasonable to withhold permission due to an arguable lack of tangible local benefit.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the conservation area, the character of the listed building, highway safety, protected species, protected trees, or residential amenity. It is considered that the very limited harm to the setting of the listed building is outweighed by the benefits of the scheme, including the restoration of a grade II listed building, which is currently at risk.

RECOMMENDATION

That application reference 16/04434/FUL be approved on or after the 3rd April 2017 subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Secure an appropriate scheme of phasing to ensure that works to restore the primary listed building are carried out in a timely fashion, to the satisfaction of the SSDC Conservation Officer.
 - 2) To secure a review mechanism in relation to the provision of affordable housing in order

to recoup a fair proportion of any available surplus in the event that improved market conditions result in a surplus or 'super normal' profit for the applicant, to the satisfaction of the SSDC Strategic Housing Manager.

b) The following conditions:

Justification

01. The site is located within a sustainable location in an existing market town where the principle of residential development is acceptable. The development of the site would respect the character of the conservation area with no demonstrable harm to the character of the listed building, highway safety, protected species, protected trees, or residential amenity. The very limited harm to the setting of the listed building is outweighed by the benefits of the scheme. As such the proposal complies with local plan policies SD1, SS1, SS5, TA5, TA6, EQ2, EQ3, EQ4, and EQ5 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: BN1/182/P001/C, BN1/182/P002/B, BN1/182/P-003/B, BN1/182/P-004/B, BN1/182/P-005/A, BN1/182/P-006/B, BN1/182/P-007/A, BN1/182/P-008/C, BN1/182/P-009/C, BN1/182/P-010/B, BN1/182/P-011/A, BN1/182/P-013/A, BN1/182/SK-014/A, BN1/182/SK-015, BN1/182/P-017 received 21 December 2017, BN1/182/P-016/C, BN1/182/P-018/A, BN1/182/P-019/A (Refuse Distribution) received 10 January 2017, and BN1/182/P-019 (Main House Bat Mitigation) received 03 February 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The construction of the pool replacement buildings shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The construction of the gatehouse buildings shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The construction of the three dwellings in the southeast corner of the site shall not commence until details of the wall and roof materials, roof details (ridges, eaves, verges, abutments and rainwater goods), doors and windows (including recessing and lintel treatment), and any external fittings (including pipework, lighting, vents and grills) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. No work shall be carried out to the coach house until full details of any external works (including, but not exclusively, details of all external repair and alteration, covering works to windows, stonework, roofs and any additional vents/flues etc) have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary and a sample panel of any new stonework. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. The construction of the car port to serve the pool replacement buildings shall not commence until details of the wall and roof materials, and roof details (ridges, eaves, verges, abutments and rainwater goods), have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. The construction of the bin store shall not commence until details of the wall and door materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of samples where necessary. Once agreed the development shall be carried out in strict accordance with the agreed details, unless written consent is given for any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No bat mitigation work shall be carried out to the principle priory building unless details of the bat entry points and associated separation partitions have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

10. No work shall be carried out to the exterior of the principle priory building unless a schedule of work has been submitted to and approved in writing by the Local Planning Authority relating to all works of external repair. This shall include works to the roofs, walls, windows and doors. Such details, once approved, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

11. No work shall be carried out to fit any new doors, windows, boarding or other external opening to the principle priory building unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

12. No work shall be carried out to fit the roof lights to the principle priory building unless details of the units have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

13. No work shall be carried out to add any external fixtures to the principle priory building unless details of such fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include external signage, lighting and metre boxes (which should be fitted internally). Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

14. No works are to be undertaken to any structural timbers in the principle priory building until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

15. No work shall be carried out to fit any new WCs, bathrooms, kitchens or utility rooms within the principle priory building unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

16. No work shall be carried out to the interior of the principle priory building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

17. No doors shall be removed from the principle priory building until a door schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a survey of all existing doors, an estimate of age and significance, which doors are to be retained in situ and which doors to be resited and to what location. Any alterations to the doors must be specified. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

18. No work shall be carried out to the principle priory building in relation to the upgrading to existing floors and walls to improve acoustic and fire separation between the units unless details of such work has been submitted to and agreed in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

19. No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be maintained to a fully functional capacity thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected on site [other than those expressly authorised by this permission].

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other external alterations shall be made to the buildings hereby approved.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

22. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

23. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

24. The area allocated for parking and turning on the submitted plan, drawing number BN1/182/P002, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

25. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures (Ref: Arboricultural Method Statement ATC/350/C and Tree Protection Plan ATC/350 Appendix 5 as prepared by Astill Treecare Ltd), specifically the fencing and signage requirements; shall be installed and made ready for inspection. A site meeting between the appointed Site Manager and the Council's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety and shall remain so for the duration of the construction of the development. The protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the following of the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

26. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels, and full details of all hard surfacing and boundary treatments. The scheme shall also include a scheme of tree and shrub planting. Such a scheme shall include numbers of individual species, sizes at the time of planting, whether container-grown or cell-grown and the approximate date of planting. The installation

details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan.

27. No works shall commence to the Priory (main house) and no activities that could result in disturbance to bats (including second phase of tree/shrub/hedge/scrub clearance, and demolition of the pool building) shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- Emergence/re-entry bat surveys undertaken between April and September, and in accordance with industry best practice;
- full details of mitigation measures to avoid, mitigate and compensate for harm to bats and their roosts, including key flight lines;
- a lighting scheme that minimises lighting disturbance to bats.

Emergency safeguarding works to the Priory may be undertaken at any time but any such works to the upper storeys, roof voids, or roof coverings shall only be undertaken with approval from a Natural England licenced bat ecologist.

The works shall be implemented in accordance with the approved details and timing of the approved bat mitigation measures, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (bats) in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

28. No construction lighting shall be used post official sunset time and prior to official sunrise time from the 1st April to the 30th September (i.e. no lighting during spring and summer months).

Reason: To avoid potentially significant disturbance, and disruption to roost access and exit, to a light sensitive species of bat of high conservation importance, and to ensure compliance with wildlife legislation.

29. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

30. The development shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan or method statement detailing measures for pre-commencement update surveys, minimising disturbance and harm to badgers, protection of badger setts, enabling badgers continued access within their territory as appropriate for their welfare, and details of badger barrier fencing to minimise conflict between badgers and future householders (if considered appropriate). The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.