



Appeal Decision

Hearing Held on 11 February 2020

Site visit made on 11 February 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 08 April 2020

Appeal Ref: APP/Q3305/W/19/3236922

Land at Sub Road, Butleigh, Glastonbury, Somerset BA6 8SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land Value Alliances LLP against the decision of Mendip District Council.
 - The application Ref 2018/2648/OTS, dated 24 October 2018, was refused by notice dated 1 May 2019.
 - The development proposed is an application for outline planning permission with some matters reserved for erection of up to 32 dwellings with details of access only.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with some matters reserved for erection of up to 32 dwellings with details of access only at Land at Sub Road, Butleigh, Glastonbury, Somerset BA6 8SR, in accordance with the terms of the application Ref: 2018/2648/OTS dated 24 October 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. I have amended the original description of development and details of the address of the appeal site to reflect those as provided within the Council's decision notice and as agreed by the Appellant in section E of the appeal form in the interests of accuracy and consistency.
3. Outline planning permission is sought with all matters reserved except for access. The details submitted with the application include reference to layout. Whilst not formally part of the scheme and provided for illustrative purposes, I have nevertheless treated these details as a guide as to how the site might be developed. I have determined the appeal on this basis.

Main Issues

4. During the course of the appeal, the Council withdrew its objection in relation to whether or not the proposed development would make adequate provision for education contributions.
5. In light of the above, the main issues in this appeal are:
 - Whether the proposal would represent a suitable site for residential development with regards to local and national planning policy;

- The effect of the proposed development on the character and appearance of the surrounding area;
- The effect of the proposed development on heritage assets, including the adjacent Butleigh Conservation Area and nearby listed buildings; and,
- Whether or not the proposed development makes adequate provision for affordable housing and public open space.

Reasons

Policy

6. The development plan comprises the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (the LPP1). The Mendip District Local Plan Part II: Sites and Policies (the LPP2) is an emerging plan which has been submitted for examination. The proposed main modifications are currently under consultation, with the Inspector's Post Hearing Advice having been released.
7. The LPP2 seeks to alter the settlement boundary of Butleigh and allocate the appeal site for housing under Policy BT1: Land at West View, Sub Road. The Inspector examining the emerging Plan has issued a Post Hearing Advice Interim Note which states that, subject to certain modifications, the LPP2 could be found sound. Although the Inspector's final Report has not yet been published, no modifications are proposed to remove or alter this allocation. At the hearing, both main parties agreed that the proposed allocation under Policy BT1 attracts significant weight in the determination of this appeal. Having regard to Paragraph 48 of the National Planning Policy Framework (the Framework), I see no reason to take a different view.

Appeal Site and Proposal

8. The appeal site has an area of approximately 1.6 ha and comprises undeveloped land situated south of the historic core of Butleigh village. The land is currently separated into several paddocks used for the grazing of sheep and horses. The appeal site adjoins the southern boundary of Butleigh, with residential development surrounding the site on all sides. The appeal site slopes uphill from west to east, rising to its highest point close to the eastern boundary of the site.
9. The proposal is for the erection of up to 32 dwellings. The proposed dwellings would be accessed from Sub Road to the west of the site, with the access being achieved by the partial demolition of a dwelling which fronts onto Sub Road.

Location of Development

10. Policy CP1 of the LPP1 sets out the spatial strategy for the District and indicates that the majority of development will be directed towards the five principle settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. It continues that in rural parts of the District, new development that is tailored to meet local needs will be provided in, amongst other areas, Primary Villages which includes Butleigh. This policy further provides that development within the open countryside will be strictly controlled but may exceptionally be permitted in line with Policy CP4 of the LPP1 which concerns sustaining rural communities.

11. It is agreed between the main parties that the appeal site is currently outside of, and adjacent to, the defined settlement boundary for Butleigh. Policy CP2 of the LPP1 sets out the provision of a minimum number of dwellings across the District which includes 1,780 homes in the rural areas. It allows for allocations of land for housing outside of defined settlement boundaries through the Site Allocations process subject to certain criteria.
12. The appeal site has been allocated for a minimum of twenty five dwellings within emerging Policy BT1 of LPP2 which, by reason of its advanced stage, is considered to attract significant weight in the determination of this appeal. Nonetheless, there is currently no allocation of the site for housing under the provisions of LPP1 and that the proposal would not accord with the criteria of Policy CP4 of the LPP1. Accordingly, the proposal would conflict with Policies CP1, CP2 and CP4 of the LPP1.

Character and Appearance

13. The area surrounding the appeal site is residential in character, with a range of traditional dwellings mixed with more modern forms of development. To the north of the appeal site is Holm Oaks which comprises modern dwellings which are mixed in terms of design and scale, being predominately two storey detached dwellings with bungalows and link detached dwellings arranged in cul-de-sacs. To the south and west of the site are located more substantial detached dwellings set within generous plots. To the west of the site is an area of land upon which a number of former barns and stables have been converted into residential dwellings.
14. The proposal would introduce up to 32 dwellings and the Council considers that such a quantum of development would be at odds with the character and appearance of the surrounding area. As noted above, while the appeal site is currently located outside of the settlement boundary, it is nonetheless surrounded by residential development. Whilst layout of the development is a reserved matter, the illustrative masterplan shows that the proposed dwellings would provide a mixture of housing types with detached, semi-detached and attached properties arranged around a cul-de-sac.
15. In my view, such an arrangement and mixture of housing types would reflect the pattern of development exhibited by the residential development at Holm Oaks and I consider that the site could accommodate up to 32 dwellings without harm to the character of the area.
16. Further to the above, the demolition of part of the dwelling located on Sub Road to provide access to the site, would not, in my view, materially affect the street scene on Sub Road or have an adverse impact on the character and appearance of the surrounding area by reason of the variety of design and scale of dwellings located on this section of Sub Road and due to the presence of other roads which connect to the eastern side of Sub Road close to the proposed access point.
17. In summary of the above, I conclude that the appeal site could accommodate up to 32 dwellings, subject to approval of reserved matters, without being harmful to the character and appearance of the surrounding area. The proposed development would therefore accord with Policy DP7 of the LPP1 which, amongst other things, requires that development is of a form and layout appropriate to local context.

Heritage Assets

18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
19. Policy DP3 of the LPP1 concerns heritage conservation and provides that proposals will be supported which preserve, and where appropriate, enhance the significance and setting of the District's heritage assets. The Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, including any contribution made by its setting, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
20. The appeal site is located close to a number of listed buildings. The first of these is the Grade II listed building known as Peony Cottage and which is located adjacent to the northwest corner of the appeal site. The Listing for Peony Cottage states that this listed building was formerly two cottages now comprising a single dwelling, which exhibits features of architectural interest and a thatched roof. By reason of this description, and from observations made on my site visit, I consider that the significance of Peony Cottage is derived largely from its age and fabric, as a surviving example of a vernacular building of this type.
21. The appeal site is separated from Peony Cottage by garden land and boundary treatments which provide a degree of visual separation. Having regard to the domestic scale of the asset and the extent of its current curtilage, I consider that the appeal site and the more open space it currently provides, does not form part of the immediate setting of this listed building. Whilst shared views of the proposed development and Peony Cottage would be possible from within the wider area, the existing surrounding residential development described above would also form part of these vistas and additional dwellings at the site would not, in my view, have a significant or harmful effect on wider setting. I therefore find that development of the appeal site would not be harmful to the significance or setting of Peony Cottage.
22. The heritage assets located at Higher Rockes Farm include the Grade II listed farmhouse and a Grade II listed barn located east of the farmhouse. The Listing for Higher Rockes Farmhouse states that this building is likely to have been a former Manor House which later became a farm. The significance of this heritage asset lies largely in the age of parts of the remaining fabric and as an example of a building of a farm group and its age and type. Whilst the buildings are located close to the appeal site, and the space around these assets is in keeping with their original function, the separation distance from the appeal site and intervening natural and built features are such that the appeal site does not contribute to the significance of this listed building.
23. In respect of the barns located south of the farmhouse, whilst I acknowledge that the structures are listed by curtilage, their former appearance as agricultural buildings has somewhat been altered by their conversion into residential dwellings with the parking arrangements and domestic paraphernalia associated with domestic occupation that that entails. Nonetheless, in my view part of the significance of these buildings derives from

the space surrounding the structures and which separates these buildings from residential development.

24. Whilst I acknowledge that the appeal site is located close to these barns, the proposal would not erode this sense of space which would remain around the barns by reason of the open land to the east of the barns and due to the extensive area of garden land between the barns and the boundary with the appeal site. Furthermore, whilst I acknowledge that landscaping is a reserved matter, I find that through careful introduction of high hedges which would form a buffer between the proposed dwellings and these buildings, any perceived harm to these assets could be sufficiently mitigated. I am therefore satisfied that the significance of these buildings would not be adversely affected by the proposed development and that the scheme would preserve the setting of these listed buildings.
25. The appeal site abuts the Conservation Area for only a very short distance along its northern boundary and, consequently the physical and visual relationship between the site and the Conservation Area is limited. The Conservation Area incorporates the historic core of the village which is located north and away from the appeal site beyond the housing development at Holm Oaks. The Conservation Area boundary extends out of the historic core of the village so as to incorporate the listed buildings and structures described above at Peony Cottage and Higher Rockes Farm but excludes the appeal site. As I have found that the scheme would not harm the setting of these assets, and that the remainder of the Conservation Area has no direct relationship with the appeal site, it follows that it would also not harm the setting of the Conservation Area.
26. For the above reasons, the proposed development would accord with Policy DP3 of the LPP1 which, amongst other things, requires that development preserves the significance and setting of the District's heritage assets.

Planning Obligations

27. As agreed at the hearing, the Appellant has submitted a completed and fully executed Unilateral Undertaking which seeks to secure provision for the required affordable housing at the site and adequate contributions towards public open space.
28. The provision of affordable housing and contributions towards public open space would accord with the requirements of Policies DP11, DP16 and DP19 of the LPP1 as well as the aims of the Framework. I consider that these obligations would be necessary to secure the affordable housing and financial contribution towards public open space, both of which are directly related to the development and fairly and reasonably related in scale and kind to the development. There would be no conflict with Regulations 122 of the Community Infrastructure Regulations 2010 (as amended) (CIL Regs) or paragraph 56 of the Framework.

Other Matters

29. Interested parties have raised concerns regarding the potential for flooding resulting from the proposed development of the appeal site, and further that the proposed access to the site would be harmful to highway safety. In respect of flooding concerns, I have not been provided with any substantive evidence

which demonstrates that the proposal would adversely affect the local drainage system or result in flooding. Furthermore, it is noted that the Local Lead Flood Authority removed its original objection to the scheme subject to a condition which requires the submission and agreement of drainage details.

Consequently, subject to conditions which I will return to below, I find that the proposal would provide adequate arrangements for the disposal of surface water from the site.

30. In respect of the proposed access and its effect on highway safety, I have noted the concerns of interested parties and the views of the Highways Authority. Following amendments made to the access plans and transport statement during the determination of the planning application, the Highways Authority have confirmed that, subject to conditions to which I will return to below, the appeal scheme would not have a severe impact on the local highway network or cause highway safety concerns. Having regard to the verbal and written submissions before me, and taking account of my observations on site, I am not led to conclude differently to the Highway Authority and find that the proposal would not be harmful in respect of highway safety.
31. At the hearing, a number of interested parties put it to me that the development of the site would impact on nearby dwellings with regards to land instability. In this respect, the Appellant has provided an initial report and assessment of the position and which concludes that there are no ground related issues which cannot be overcome by following a standard approach of further investigation.
32. However, interested parties were concerned that the report provided did not consider the effect of the development on nearby properties, but rather focused on the potential impact on the proposed housing at the appeal site alone. In light of these concerns, I have concluded that further information regarding these potential issues should form part of a construction management plan which would require approval of the Local Planning Authority prior to commencement of construction at the appeal site. I am satisfied that the additional information to be provided in this regard, would provide sufficient scope to ensure that the development would not have a harmful effect on land stability.
33. At the hearing, interested parties raised concerns that any financial contributions towards off site public open space provision may not be used to the benefit of Butleigh Parish. In this respect, I am satisfied that the Council would follow adopted policy and guidance for allocation of any such financial contributions.

Planning Balance

34. The main parties agree that the Council cannot currently demonstrate a five year housing land supply and, in this regard, based upon the evidence before me it appears that the shortfall of housing land supply is significant, currently being approximately 3.8 years of supply.
35. Paragraph 11(d) of the Framework provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

36. I consider that Policies CP1 and CP2 of the LLP1 are the policies most important for determining the application. Policy CP1 of the LPP1 sets out the development plan's spatial strategy, which restricts development outside settlement boundaries. Policy CP2 of the LPP1 sets out the minimum number of dwellings to be provided across the District as a whole and provides that development outside of settlement boundaries will be restricted subject to certain criteria. Although the policies in the development plan are out of date, I attach moderate weight to the conflict with Policies CP1 and CP2 of the LPP1.
37. I have found that the proposal would not be harmful to the character and appearance of the surrounding area, would not be harmful to the significance or setting of the heritage assets described above and would preserve the setting of listed buildings in the vicinity. However, the proposed development is currently outside of the settlement boundary and has not been allocated for housing under LPP1 and, therefore the proposal conflicts with the development plan in this regard.
38. In the context of assessing the three objectives of sustainable development identified in the Framework, the economic benefits of the proposal would be moderate in terms of employment during the construction phase but significant in terms of the additional spend of future occupants with local businesses which will contribute to the vitality of Butleigh village and to the viability of existing services.
39. In the context of social benefits, the proposal would provide a substantial number of additional dwellings contributing towards housing supply within a District which, as described above, currently has a significant shortfall of housing land supply. The proposal would provide for a mixture of housing types and would provide ten units of affordable housing. Accordingly, I attach significant weight to these benefits in the determination of this appeal.
40. With regards to environmental benefits, the scheme could provide some enhancement to biodiversity and ecology through the provision of additional hedges and planting which would be considered at the reserved matters stage. The proposal would be located close to the services and facilities contained within Butleigh and by connecting the site to existing footpaths adjacent to the site, future occupants of the proposed dwellings would not necessarily be dependent upon private vehicles in order to access facilities that may be required on a day to day basis. These factors attract moderate weight in favour of the proposal.
41. In summary of the above considerations, I find that the cumulative benefits associated with the proposal would be significant and the harm arising from the proposal's conflict with the cited policies of LPP1, would not significantly or demonstratively outweigh the benefits of the appeal scheme when assessed against the provisions of the Framework when taken as a whole. Furthermore, given that the scheme is for up to thirty two dwellings, the appeal scheme would also comply with emerging Policy BT1 of LPP2 which provides that the site is allocated for a minimum of twenty five dwellings. I attach significant weight to this factor in the determination of this appeal.

Conditions

42. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance.
43. Other than the standard outline conditions dealing with reserved matters, time limits and plans, I have set out a range of other conditions to control the development. These include the need to submit details of vehicle access, roads footways, visibility splays, parking areas, dwelling access and a construction management plan in the interests of highway safety. Furthermore, I find it reasonable to include conditions concerning details of landscaping, external lighting, recycling and waste container storage, in the interests of preserving the character and appearance of the surrounding area.
44. In the interests of the environment and to prevent increased risk from flooding, I find it reasonable to apply conditions regarding details of surface water drainage, foul drainage and highways drainage to be approved by the Council prior to commencement of development. Furthermore, in the interests of the environment and in the interests of ecology and protected species, I have included conditions requiring that the scheme provides for bats and nesting swallows, that no trees or hedges should be removed during bird nesting periods and that a Construction Environmental Management Plan be approved by the Council prior to commencement of development.
45. Further to the above, I have imposed conditions to include provisions ensuring a footpath link to the village centre is provided, and relating to land stability, in the interests of the living conditions for future occupants of the scheme and in the interests of the living conditions of nearby residents.
46. Where necessary, and also in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusions

47. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

APPEARANCES

FOR THE APPELLANT

J Coombs	Pegasus Planning Group Limited
H Armstrong	Pegasus Planning Group Limited

FOR THE LOCAL AUTHORITY

S Trafford	Mendip District Council
R Palmer	Mendip District Council
J Milling	Mendip District Council

INTERESTED PERSONS

1. S Simpson
2. J Trimmer
3. N Hampton
4. D Salter
5. S Organ
6. D Sharnp
7. A Burland
8. W Burland
9. J Tizzard

DOCUMENTS SUBMITTED AT HEARING

1. Letters of Notification dated 21 January 2020.
2. Butleigh Conservation Area Map.
3. Historical aerial view image of appeal site.
4. Copy page 14 of Mendip Local Plan Part 1: Strategy and Policies 2006-2029, with accompanying Mendip District Net Affordable dwellings completed 2006-2019 table.

Schedule of Conditions

- 1) The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) Approval of the details of the (a) layout, (b) scale, (c) appearance, (d) landscaping of the site, and (e) pedestrian link to the existing footpath network allowing convenient pedestrian access to the village centre (hereinafter called the reserved matters), shall be obtained from the Local Planning Authority before any development is commenced, implemented in accordance with the approved details and permanently retained thereafter.
- 4) The development hereby approved shall in all respects accord strictly with drawing numbers: Site Location Plan 180204 L01 01 received by the Local Planning Authority on 26 October 2018 and drawing number: Proposed Access 4296/001D received by the Local Planning Authority on 25 March 2019.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities;
 - e) measures to control the emission of dust and dirt during construction;
 - f) delivery and construction working hours.

The approved measures within the Statement shall be adhered to throughout the construction period.
- 6) No occupation of the development shall take place until the vehicular access hereby approved has been constructed in accordance with details shown on 4296/001D SITE ACCESS PLAN received 25 March 2019. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.
- 7) No occupation of the development shall take place until the visibility splay shown on drawing number 4296/001D SITE ACCESS PLAN received 25 March 2019 has been provided. There shall be no on-site obstruction exceeding 300mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

- 8) No construction above slab level shall commence until plans showing a parking area and turning areas (providing for parking spaces for each of the dwellings in accordance with Somerset County Council parking strategy), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation of any individual dwelling shall take place until the parking area for that dwelling has been constructed in accordance with the approved details and shall be permanently retained thereafter and not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 9) No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- (a) size, species and positions for new trees and plants,
 - (b) boundary treatments,
 - (c) surfacing materials (including roadways, drives, patios and paths) and
 - (d) any retained planting,
 - (e) a detailed programme of implementation.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority.

- 10) The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme, in accordance with the key SUDS design principles outlined in the submitted FRA (Clive Onions Consulting Civil Engineer - 31 January 2019 V4) have been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. Those details shall include:
- (a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, manage and/or control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - (b) Any works required on or off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include any survey and / or refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - (c) Flood water exceedance routes, both on and off site;
 - (d) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure

the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

- 11) The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the foul drainage scheme, in accordance with the strategy outlined in the submitted FRA (Clive Onions Consulting Civil Engineer - 31 January 2019 V4) have been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The agreed scheme shall be permanently retained thereafter.
- 12) The development hereby approved shall not be occupied until a scheme for the storage of recycling and waste containers has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and permanently retained thereafter.
- 13) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - (a) Risk assessment of potentially damaging construction activities.
 - (b) Identification of "biodiversity protection zones".
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (f) Responsible persons and lines of communication.
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 14) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall include the working methods to be employed on site during the construction of the approved scheme and preparation associated with the construction works as follows; measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration; details of a foundation sub/structure design that protects the existing ground conditions for neighbouring properties and details for the safe disposal of waste materials arising from the development

of the site shall also be included. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 15) Prior to occupation of the dwellings, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details.
- 16) No trees, hedges or shrubs shall be removed between 1st March and 31st August unless agreed in writing by the Local Planning Authority and following submission of a survey to assess bird activity.
- 17) No demolition works to facilitate the development hereby approved shall take place on the bungalow at West View, Sub Road in the period April to October inclusive unless the Local Planning Authority has been provided with either:
 - (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - (b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified activity/development will require a licence.
- 18) No development shall begin on site until a scheme to encourage biodiversity including bat roosting features and nesting opportunities for birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and permanently retained thereafter.