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BDW Trading Ltd
c/o Agent

Application Number: 2020/0158/FUL
Date of Application: 27th January 2020
Application Type: Full Application

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, hereby **GRANT PLANNING PERMISSION** to carry out the development described in the application validated on 27th January 2020 subject to conditions hereunder stated.

Proposal: Erection of 82 no. residential dwellinghouses with associated infrastructure including landscaping, open space, drainage and highway access and parking.
Location: Land At Green Pits Lane Nunney Frome Somerset
Parish: Nunney Parish Council

DECISION: Approval with Conditions

REASON FOR APPROVAL

1. A departure from the adopted Mendip District Local Plan is justified as the proposal accords with paragraph 11d of the National Planning Policy Framework (NPPF) as the benefits of the development significantly and demonstrably outweigh any harm identified and the development represents sustainable development. In addition, significant weight has been afforded to Policy NN1 of the Emerging Part II Mendip District Local Plan, which allocates the site for residential development.
The proposal, by reason of its design, scale and layout would be in keeping with its surroundings.
The proposal will not harm the setting of designated heritage assets.
The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users.
The parking and turning arrangements within the site meet the required safety standards and will ensure the free flow of traffic on the highway.
All practical measures for the conservation of energy have been included in the design, layout and siting of the proposal.
The proposal makes acceptable drainage arrangements.
The proposal makes acceptable arrangements for the protection of trees.
The proposal makes acceptable arrangements for the protection of ecology.
The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:
Policies CP1, 2 and 4 and DP1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 16, 18, 19 and 23 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014)
Emerging Policy NN1 of Part 2 of the Mendip District Local Plan.
National Planning Policy Framework (NPPF)
Planning Policy Guidance (PPG)
Somerset County Council Standing Advice, 2015
Somerset County Council Parking Strategy, 2013
Fields in Trust - Guidance for Outdoor Sport and Play (2015)

CONDITIONS

1. **Standard Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

The development hereby approved shall be carried out in full accordance with the following approved drawings:

- P19-2148_02L
- P19-2148_03A
- P19-2148_04
- P19-2148_05
- P19-2148_07D
- P19-2148_08D
- P19-2148_09C
- P19-2148_10D
- P19-2148_11E
- P19-2148_12E
- P19-2148_13B-DAS
- P19-2148_14B-DAS
- P19-2148_15B-DAS
- P19-2148_16B-DAS
- P19-2148_17A-DAS
- P19-2148_20A
- 498-P-100 Rev E
- 498-P-150-01 Rev C
- 498-P-150-02 Rev C
- 498-P-200-01
- 498-P-200-02
- 498-P-400 Rev C
- 498-P-405 Rev C
- 498-P-500 Rev B
- 498-P-540 Rev C
- GL1263 11 Rev A
- GL1263 12 Rev A
- P19-2148-03-ALN REV A
- P19-2148-03-ALNRS REV A
- P19-2148-03-ASCOT REV A (PLOTS 22, 23, 28, 31(H), 32(H))
- P19-2148-03-ASCOT REV A (PLOTS 72, 73(H))
- P19-2148-03-ENN REV A
- P19-2148-03-ENNRS REV A
- P19-2148-03-GARAGESDO REV A
- P19-2148-03-GARAGETW REV A
- P19-2148-03-GARSI REV A
- P19-2148_03-BINSTORE REV: B
- P19-2148-03-KEN(EH) REV A
- P19-2148-03-LAM REV A
- P19-2148-03-LAMRS REV A
- P19-2148-03-MAID(EH) REV A

- P19-2148-03-MAID(EH)RS REV A
 - P19-2148-03-T51(EH)RS REV A
 - P19-2148-03-T51(I)RW REV A
 - P19-2148-03-T52 (EH) REV A
 - P19-2148-03-T54 REV A
 - P19-2148-03-T55 RW REV A
 - P19-2148-07-SH60/61 REV A
 - P19-2148-07-SH60/61 REV A
 - P19-2148-07-SH60/61 REV A
 - P19-2148_07-T51(EH)RW REV: A
 - D21 73 P3.4 (Rev J)
 - 18080-SK01 Rev B
 - 18080-SK03 Rev A
 - 18080-SK04
 - Flood Risk Assessment and Drainage Strategy - FRA Issue C (dated 17/04/20)
 - Supplementary Ground Investigation Report, Ref: P0081_CS-J-0614
 - Green Pits Lane, Nunney - Long-term Groundwater Level Monitoring - Ref: P0081_CS_J_0615
 - Arboricultural Constraints Report - D21 73 02
 - Arboricultural Impact Assessment Plan - D21 73 P3.4
 - Ecological Report (prepared by Wessex Ecological Consultancy)
 - Construction Traffic Management Plan -Ref: 18080
 - TRAVEL PLAN, Ref: 18080, Issue 5 (dated 30th April 2020)
 - Resource Efficiency Statement, Ref: BDWZ3001
 - Ground Investigation Report, SR/JW/DT/13442/ GICAR
 - Air Quality Assessment, Ref: 25389-04-AQA-01
 - Noise Assessment, Ref: P19-456-R01v3
 - Archaeological Desk Based Assessment, Ref: JAC26052 v.3
 - Lighting Baseline Survey Report (prepared by DPA Lighting)
 - Lighting Strategy Report (prepared by DPA Lighting)
 - Construction Environment Management Plan (prepared by Wessex Ecological Consultancy)
- Reason: To define the terms and extent of the permission.

3. **Phasing of development (Pre-Commencement)**

No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

Reason: The approved development is extensive and the submission of a phasing strategy is considered appropriate to allow the development to proceed in a flexible and timely manner. This is a condition precedent as the phasing needs to be understood prior to the commencement of any development in relation to specific conditions.

4. **Surface Water Drainage System (Pre-Commencement)**

No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site. Such works shall thereafter be carried out in accordance with the approved details.

These details shall include the following:

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- 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 (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels.
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing.
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

5. Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 7. Ecology - Soft Landscaping for Bats (Pre-occupation)**
Notwithstanding the details submitted, no occupation shall commence until an amended soft landscaping plan, to include, with the exception of the attenuation basin, species rich long sward grassland with scrub in the open space west of the highway access to the site and the link to Glebelands, has been submitted to and approved in writing by the Local Planning Authority.
Reason: To provide mitigation for Greater Horseshoe bats, in the interests of the integrity of the conservation objectives of a European site and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 8. Hard and Soft Landscaping (Compliance)**
All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.
Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 9. Provision and Storage of Recycling and Waste Containers (Compliance)**
No individual dwelling shall be occupied until the recycling and waste containers stores for that individual unit(s) have been provided on site in accordance with the approved plans. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP1, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 10. Provision of Cycle Parking (Compliance)**
No individual dwelling shall be occupied until the cycle store for that individual unit(s) has been provided in accordance with the approved plans. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
Reason: In the interests of promoting sustainable travel alternatives having regards to Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 11. Energy Efficiency Measures (Compliance)**

The development hereby approved shall be carried out and constructed in full accordance with the energy efficiency and reduction measures detailed on the approved plans and specified within the Resource Efficiency Statement, Ref: BDWZ3001. The works shall be retained in accordance with these approved details thereafter.

Reason: In the interests of energy efficiency, reduction and wider sustainability, having regards to the provisions of Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), Frome Neighbourhood Plan and Planning Practice Guidance (PPG).

12. Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The assessment and written submission shall include:

(i) a survey of the nature, extent and significance of any contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

13. Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

14. Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. Where a phasing plan has been approved no occupation shall commence of each phase until a verification report dealing with that phase has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

15. Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

16. Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

17. Noise Mitigation Measures (Pre-Occupation)

Plots 1-7, 11-12, 16-23 and 75-78 shall not be occupied until the following noise mitigation measures have been installed/ incorporated into their construction and layout:

- 2.7m acoustic fencing shall be incorporated into the gardens of plots 1-7, 11-12 and 16-23, to accord with the technical specifications for the acoustic barrier proposed under section 5.0 of the Noise Assessment, Ref: P19-456-R01v3;
- Enhanced acoustic double glazing and ventilation as identified in the Noise Assessment, Ref: P19-456-R01v3;
- Enhanced acoustic double glazing and ventilation in the form of acoustically attenuated trickle ventilation, specifically for habitable rooms on the relevant elevations of Plots 1-7, 11-12, 16-23, 75-78.

The works shall be permanently retained and maintained in accordance with the approved details thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of occupiers of the development, in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. Construction Management Plan (Pre-commencement)

For each phase of development no development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall or include the following:

- Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included.
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- Delivery and construction working hours.

And shall confirm:

That, until 01/04/2021 or any further date set by the Temporary Fast Track Deemed Consent Route Under Section 74B of the Town and Country Planning Act 1990, noise emissions from the site during the construction of the development, including all demolition, clearance and redevelopment works, where noise exceeds a level of 3 dB(A) below the existing background L90 level (or 8 dB(A) below if there is a particular tonal quality) when measured as a 15 minute equivalent continuous sound level at the boundary of any noise sensitive receptor, shall not occur outside of the following hours:

- Mon - Sat 08.00 - 21.00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

After that date the hours will revert to:

- Mon - Sat 08:00-18:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

19. Emergency Access (Pre-Occupation)

No occupation shall commence until a design and specification for the works as shown on 'Emergency Access', Dwg No: 18080-SK01 revB, has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the occupation of any dwellings on the site and permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Primary Access (Pre-Occupation)**

No occupation shall commence until design and specification for the proposed access, including visibility splays, as detailed on 'Proposed Site Access', Dwg No: 18080-SKO1 rev B, has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the occupation of any dwellings on the site and permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Estate Roads (Pre-Occupation)**

No part of the development hereby permitted shall be occupied or brought into use until the the proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking have been constructed and laid out in accordance with details to first be submitted to and approved in writing by the Local Planning Authority, before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The works shall be permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

22. **Construction of Roads, Footpaths and Turning Spaces (Compliance)**

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

23. **Parking (Compliance)**

No individual dwelling shall be occupied until the parking spaces for that individual unit have been marked out, constructed and properly consolidated and surfaced (not loose stone or gravel) in accordance with the approved plans. The spaces shall thereafter be permanently retained (including the internal garage spaces) and kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access in conjunction with the approved development.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

24. Landscape and Ecological Management Plan (LEMP) (Pre-Occupation)

No occupation shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out and implemented in accordance with the approved details thereafter.

Reason: In the interests of protected species and biodiversity, in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the guidance contained within the NPPF.

25. Ecology - Lighting Design for Bats (Pre-occupation)

No occupation shall commence until a lighting design for bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of 'lighting contour plans technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed;
- c) show the installation of physical barriers to prevent light spill.

All external lighting shall be installed in accordance with the approved details and in accordance with the phasing plan, and shall be maintained thereafter in perpetuity. No further external lighting shall be installed without further details being submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the integrity of the conservation objectives of a European site, the Favourable Conservation Status of populations of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

26. **Ecology - Nesting Birds (Bespoke Trigger)**
No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.
Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
27. **Ecology - Ecological and Bio-Diversity Gains (Pre-occupation)**
No occupation shall commence until a scheme of ecological and bio-diversity gains has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
a) A Habitat 001 bat box or similar built into structures at least four metres above ground level and away from windows of the west or south facing elevation on approximately 6 plots;
b) A cluster of four Manthorpe swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of approximately 4 plots;
c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north facing elevation of approximately 5 plots;
d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling of approximately 15 plots;
e) That new fencing has accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 170(d) of the National Planning Policy Framework.
28. **Levels (Bespoke Trigger)**
Notwithstanding any slab and ground level information provided within the drawings listed in Condition 2, a plan showing proposed slab and ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any of the dwellings hereby approved. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the visual character and appearance of the development and to preserve residential amenities in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the National Planning Policy Framework.

NOTES

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is £116 per request (or £34 where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website www.mendip.gov.uk). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.

5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.

6. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <http://www.sedgemoor.gov.uk/SomersetBCP/>

7. Contamination Informative Note:
NPPF s.179: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

8. Wessex Water has provided the following informatives for the applicant:

Under the current Water Industry charging arrangements development may connect to the nearest size for size sewer with the sewerage undertaker having the responsibility for the implementation of any capacity improvements required to serve proposed development.

The full planning application at Green Pits Nunney is for 82 dwellings.

We note Detailed Engineering Sheets (498-P-150)-01 and -02, Revision C.

The aforementioned drawings submitted with planning application show the main proposed sewer runs connecting to the existing 150mm foul sewer crossing the site and to an existing public foul sewer in Pookfield Close. New proposed sewers are 100mm and 150mm. Sewers of 100mm in diameter may support foul flows only from a maximum of 10 dwellings.

The sewers in Pookfield Close were recently adopted by Wessex Water under the transfer of private sewer legislation. We have no diameters recorded for these sewers which may not be suitable for connection (150mm sewer leaving the site at this point). A size for size connection may be further than the nearest sewer annotated on the public sewer map; point of connection subject to application and agreement.

It appears, from the layouts, that easements to the existing sewer (3 metres either side of the outside edge) have been observed. However, a proposed bund and soakaway conflict with the proposed connection point to Pookfield Close, the 3 metre easement also applies to these structures.

The surface water layout shows surface water discharging to two infiltration basins on site. The LLFA response of 4th June noted; elements of the surface water scheme may be offered for adoption by Wessex Water under the new Sewerage Sector Guidance.

The addition of 82 dwellings to the sewer network at this location will trigger a review if the planning application is successful. Wessex Water will consider the impact of the development flows and manage any necessary downstream sewer improvements.

9. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990, completed on 09/12/2020.



Julie Reader-Sullivan
Planning and Growth Group Manager

If you have any queries regarding this notice please contact our Customer Services Team on 0300 303 8588

Dated 10th December 2020