

APPENDIX TWO

Mount Hindrance - 18/04057/OUT

Planning Conditions and Informatives

1. **DEVELOPMENT COMMENCEMENT TIMESCALE:** The development hereby permitted 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.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. **RESERVED MATTERS:** Details of appearance, layout, scale and landscaping, (hereinafter called “the Reserved Matters”) for each phase or part thereof, shall be submitted to and approved in writing by the local planning authority before the development takes place on the relevant phase and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

3. **PHASING PROGRAMME:** The development hereby approved shall not be commenced until a written phasing programme (showing the phasing of the development; the anticipated timings for the submission of Reserved Matters Applications and the anticipated commencement of each phase), has been submitted to and approved in writing by the Local Planning Authority. The phasing programme shall explicitly reference the phasing of delivery of Public Open Space and footway and cycle linkages within and to the boundaries of the site. Any subsequent changes to the agreed phasing programme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

4. **RESERVED MATTERS TIMESCALE:** Prior to the commencement of development of any phase or part thereof, an application for the approval of Reserved Matters for each phase, or part thereof, shall be submitted to and approved in writing by the local planning authority in accordance with the phasing programme agreed under condition 3. Each of the phases shall be completed in accordance with the phasing programme unless otherwise agreed in writing with the local planning authority. In the case of any reserved matter, all applications for approval must be made not later than the expiration of three years from the date of this Outline permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

5. **APPROVED PLANS LIST:** The development hereby permitted shall be carried out in accordance with the following approved plans:
- 180129 L 01 01 - Location Plan
 - Figure 3A – Access from Thorndun Park Drive

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

6. **DESIGN PRINCIPLES:** Prior to or alongside the submission of the first reserved matters application, a set of Design Principles to set out the proposed arrangement, treatments and design characteristics of development blocks, key buildings, streets and public realm including Public Open Space and footway and cycle linkages within and to the boundaries of the site, shall be submitted to and approved in writing by the Local Planning Authority. These principles shall be formulated broadly in accordance with the aims and objectives of the Masterplan (180129 L 02 1 Rev E), Illustrative Masterplan 180129_L 0202 Rev G and the Design and Access Statement (July 2018).

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan (adopted March 2015).

7. **DESIGN PRINCIPLES COMPLIANCE STATEMENT:** Each application for approval of Reserved Matters shall be accompanied by a Design Principles Compliance Statement for the area to which that application relates.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan (adopted March 2015).

8. **LOCAL CENTRE:** Reserved Matters applications for layout and appearance shall include a local centre of a minimum of 1,100 sqm floorspace that shall be constructed before the occupation of the 100th dwelling and, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking and re-enacting that Order with or without modification) shall thereafter remain within a Class E use.

Reason: To ensure that the local centre is delivered in a timely manner and to clarify and confirm the approved use of the building.

9. **MATERIALS AND EXTERNAL FINISHES DETAILS:** To inform 'Appearance' as a Reserved Matter each application for approval of the Reserved Matters shall include details of all external facing materials and hard surfacing including the following:

- a) materials to be used for the external walls and roofs:
- b) materials to be used for rainwater goods;
- c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses:
- d) details of eaves/verges;
- e) location and design details of all vents, flues and meter boxes;
- f) details of all internal and external boundary treatments; and
- g) the surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To maintain the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan (adopted March 2015).

10. **PHOSPHATE NEUTRALITY:** The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Policy EQ4 of the South Somerset District Council Local Plan as well as Chapter 15 of the National Planning Policy Framework.

11. **AMP7 IMPROVEMENTS:** The development hereby approved shall not be occupied before 1 January 2025, unless otherwise agreed in writing with the Local Planning Authority on production of written evidence that the Asset Management Plan 7 (AMP7) planned upgrades to the Chard Waste Water Treatment Works by Wessex Water to provide additional treatment capacity and improve nutrient capture have been completed and that the increase in phosphorus arising from occupation of the Development will accordingly be no more than 24.22 kilograms per year.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Policy EQ4 of the South Somerset District Council Local Plan as well as Chapter 15 of the National Planning Policy Framework.

12. **WATER CONSUMPTION:** No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the Building Regulations 2010 and the aims and objectives of the National Planning Policy Framework.

13. **SUSTAINABLE CONSTRUCTION STRATEGY:** Each application for approval of reserved matters shall be accompanied by a Sustainable Construction and Carbon Reduction Strategy for that phase. The strategy shall set out how the proposed development addresses the measures set out in Policy EQ1 including the following:

- a) Minimisation of Carbon Dioxide emissions through energy efficiency; renewable and low carbon energy solutions;
- b) Minimisation of Flood Risk and maximisation of Water Conservation;
- c) Solar orientation, maximising natural shade and cooling, water efficiency and flood resilience in addressing the impact of Climate change; and
- d) How the impact of climate change may affect the measures proposed to enhance the biodiversity of the site.

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

Reason: in the interests of address climate change and reducing carbon emissions in accordance with Policy EQ1 of the South Somerset Local Plan.

14. **RENEWABLE ENERGY COMPLIANCE STATEMENT:** No occupation of any individual dwelling shall commence until a Renewable Energy Compliance Statement for that dwelling has been submitted and approved in writing by the Local Planning Authority. The statement shall confirm that the development has been constructed in accordance with the Sustainable Construction Strategy secured by condition above. The Renewable Energy Compliance Statement shall include details of renewables; calculations demonstrating compliance; Building Regulations Part L post-completion documents for renewables; Building Regulations Part L post-completion document for energy efficiency; and Microgeneration Certification Scheme (MCS) Certificate/s.

Reason: To ensure that the approved development demonstrates how climate change mitigation and adaptation will be delivered to accord with Policy EQ1 of the South Somerset Local Plan.

15. **EXTERNAL HEAT PUMPS:** Prior to the commencement of ground works in any phase, details of any external heat pumps serving the dwellings hereby permitted within that phase; including position, appearance, noise and manufacturer's specification, shall be submitted and approved in writing by the Local Planning Authority together with a timetable for implementation. The heat pumps shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To maintain the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan (adopted March 2015).

16. **ACCESS WORKS:** No works shall commence on site until the off-site highways works to bring the main access junction with Thorndun Park Drive up to adoptable standards have been completed to the satisfaction of the Council.

Reason: In the interests of sustainable development and highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

17. **SCHEME OF CYCLEWAY AND FOOTPATH ROUTES:** Reserved matters applications for layout shall include a detailed scheme of a network of cycleway and footpath routes and connections to include cycling and walking accesses through the boundaries of the site where appropriate. Before any particular phase of the new development is first brought into use or occupied, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundaries of the site, shall be laid out, suitably constructed and drained in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that the development provides for active travel and in the interests of sustainable development and highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

18. **ESTATE ROAD DETAILS:** For each phase or part thereof, no development shall commence on the elements listed below until the following details have been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction, and a timetable for implementation, shall be submitted to the Local Planning Authority for the:
- a) estate roads
 - b) footways

- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) car, motorcycle and cycle parking
- n) electric vehicle charging points
- o) hard and soft structural landscaping areas
- p) pedestrian and cycle routes and associated vehicular accesses and crossings,
- q) means of enclosure and boundary treatment
- r) street lighting and street furniture
- s) all new roundabouts and junctions
- t) proposed levels
- u) bus stops and lay-bys or alternative facilities
- v) highway drainage
- w) swept path analysis for a vehicle of 11.4m length
- x) central pedestrian reserves, bollards and lighting, and
- y) service corridors

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

Reason: To ensure a co-ordinated approach to development and highway planning, and in the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015) and the aims and objectives of the National Planning Policy Framework.

19. **PREVENTION OF SURFACE WATER DISPOSAL TO HIGHWAY:** Within each phase or part thereof provision shall be made within the site for the disposal of surface water 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 approved details shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

20. **HIGHWAY SURFACES:** The proposed roads, including service roads, footpaths, parking and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied, or in the case of the football club before it

is first brought into use, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway and the football club and existing highway.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

- 21. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP: HIGHWAYS AND POLLUTION CONTROL):** The application(s) for approval of the reserved matters shall include a CEMP: Highways and Pollution Control for that phase. No development shall commence until the CEMP: Highways and Pollution Control for that phase or phases has been approved in writing by the Local Planning Authority. The approved CEMP: Highways and Pollution Control shall be adhered to throughout the construction period and shall provide for:
- a) A construction programme including phasing of works
 - b) 24-hour emergency contact number
 - c) Hours of operation
 - d) Expected number and type of vehicles accessing the site:
 - i. Deliveries, waste, cranes, equipment, plant, works, visitors
 - ii. Size of construction vehicles
 - iii. The use of a consolidation operation or scheme for the delivery of materials and goods
 - e) Means by which a reduction in the number of movements by construction workers can be achieved through travel planning and encouraging the use of public transport, active travel, car sharing, and the provision of on-site parking and welfare facilities for staff and visitors
 - f) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on the local highway network
 - g) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site
 - h) Locations for storage of plant/waste/construction materials
 - i) Arrangements for the turning of vehicles within the site
 - j) Arrangements to receive abnormal loads or unusually large vehicles
 - k) Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available
 - l) Any necessary temporary traffic management measures
 - m) Measures to protect vulnerable road users (cyclists and pedestrians)

n) Method of preventing mud being carried onto the highway - The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site,

o) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

- o Mon - Fri 08:00-18:00
- o Sat 08:00 -13:00
- o 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 CEMP details.

Reason: To ensure the 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 EQ2 and TA5 of the South Somerset Local Plan 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 highway safety and/or residential amenity.

22. SPEED LIMIT TRAFFIC REGULATION ORDER: No occupation shall commence until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense in accordance with the approved details.

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

23. VEHICLE ELECTRIC CHARGING POINTS: The application(s) for approval of the reserved matters shall indicate provision for electric vehicle charging points for each dwelling adjacent to their designated parking spaces or garages or in

communal charging areas shown on the approved plan. Sufficient provision for at least one electric vehicle charging point per dwelling shall be provided in this way. The submitted scheme shall also detail the provision and phasing of electric vehicle charging points for visitor parking spaces and set out where and why it has not been possible to supply a particular dwelling, apartment or parking area with an electric vehicle charging point. The scheme(s), once approved, shall be implemented in accordance with the approved details so that each dwelling has its charging infrastructure prior to its occupation agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 of the adopted South Somerset Local Plan (adopted March 2015), the Somerset Councils Electric Vehicle Charging Strategy (2020) and the aims and objectives of the National Planning Policy Framework.

24. **PATH DIVERSION ORDER:** No development hereby approved shall take place or shall interfere with or compromise the use of footpaths CH 5/30, CH 5/32 and CH 5/33 until a path diversion order has been made and confirmed and the diverted route made available in accordance with the approved details.

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

25. **LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP):** No development shall take place in any phase until a Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The LEMP will have input from a suitably qualified ecologist and provide detail of all management works associated with retained and new habitats created on site. The content of the LEMP shall incorporate recommendations made in the Clarkson & Woods 'Biodiversity Net Gain Design Stage Report' (September 2023) and include the following:

1. Description and evaluation of features to be managed as outlined in the Clarkson & Woods Ecology reports, including additional native wildflowers and grassland areas in open spaces, native pollinator friendly wetland plants within SuDS, an increased planting and buffer zones around the hedgerow making up part of the Local Wildlife Site and central-western Section of the site.
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management.
4. Appropriate management options for achieving aims and objectives.
5. Prescriptions for management actions.
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
7. forward over a five-year period).
8. Details of the body or organization responsible for implementation of the plan.
9. 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 approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ4 of the South Somerset District Council Local Plan (adopted March 2015).

26. **TREE AND HEDGEROW PROTECTION MEASURES:** No development shall commence within any phase, including vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, until scheme for the fenced protection of existing trees and hedgerows in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. No development shall thereafter commence until the approved tree and hedgerow protection measures (specifically the fencing and signage) has been erected in accordance with the approved details and shall remain in place for the duration of the construction phase.

Reason: To ensure that existing landscape features are afforded protection during the construction period and areas identified on the masterplan to receive tree planting are protected from compaction through construction vehicle movements or any other practices that would prejudice the future establishment of tree planting in those area to accord with the aims and objectives of Policy EQ2, EQ4 and EQ5 of the South Somerset Local Plan (adopted March 2015) and the provisions of the National Planning Policy Framework.

27. **WILDLIFE SURVEYS:** If any phase of the development is to be commenced after a date that is 2 years from the date of this consent, no part of that phase of development shall be carried out unless it has been agreed in writing with the Local Planning Authority whether a further supplemental survey, in respect of that part, shall be commissioned in respect of any wildlife survey over two years old at the time of commencement. Should such a survey be required then any mitigation requirements that may be identified by it shall be fully implemented.

Reason: In order to protect legally protected species in accordance with Policies EC7 and EC8 of the South Somerset Local Plan (adopted March 2015).

28. LIGHTING DESIGN FOR BIODIVERSITY: As part of future Reserved Matters applications that propose external lighting, a Lighting design for biodiversity and light pollution shall be submitted to and approved in writing by the Local Planning Authority. The design shall:

Identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and other species and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key and supporting areas of their territory, for example, for foraging; and

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and 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; and

The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux (below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats). Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 shall be used where necessary to achieve the required light levels.

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design and shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting within public areas be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ4 and EQ7 of the South Somerset District Council Local Plan (adopted March 2015).

29. BIODIVERSITY ENHANCEMENT PLAN (BEP): Reserved matters applications for layout and appearance shall include a Biodiversity Enhancement Plan (BEP) and include the following provisions:

- a) On 50% of the dwellings, a Habibat 001 box (or similar) shall be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.
- b) On 25% of the dwellings, a Schwegler 1SP Sparrow terrace (or similar) directly under the eaves and away from windows on the north and/or east elevations
- c) On 25% of the dwellings, two Schwegler 1as swift bricks (or similar) shall be built into the wall at least 60cm apart, at least 5m above ground level,

ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations.

- d) On 25% of the dwellings, two House Martin nests (or similar) shall be mounted directly under the eaves of the east or north elevation.
- e) A bee brick shall be built into the wall about 1 metre above ground level on the south or east elevation of each dwelling.
- f) Installation of at least 12 x 2F Schwegler Bat Boxes (or similar) shall be installed on to mature trees on site, facing south or west, at a height above 3m.
- g) Installation of at least 12 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- h) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- i) SuDS shall be planted up with an appropriate seed mixture (i.e. EM8 Meadow Mixture for Wetlands - Emorsgate Seeds (wildseed.co.uk)) and managed and maintained sympathetically for wildlife.
- j) Hibernacula/log piles as a resting place for reptiles and or amphibians shall be constructed on the site boundaries, ideally with any wood/branches from felled trees and near the LWS.
- k) The development shall thereafter be constructed in accordance with the approved details.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

30. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP:

BIODIVERSITY): No development shall commence within a phase until, including demolition, ground works, vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) for that phase 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), including nesting birds habitat clearance measures, badgers walkover surveys, badger buffer zones and precautions for terrestrial mammals, tree and hedgerow protection measures (in accordance with BS 5837:2012), a full reptile mitigation strategy, pre-fell checks by a bat licenced ecologist for any trees with bat potential (as identified in the bat report by Clarkson & Woods), strict lighting restrictions during dusk-dawn hours to avoid disturbing bats or other species, etc.

- d) Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity. This is a pre-commencement condition because the development has the potential to harm biodiversity at its earliest stage of construction.

31. **NESTING BIRDS:** No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

32. **DORMOUSE LICENCE:** No development shall commence, including groundworks and vegetative clearance, unless the Local Planning Authority has been provided with either:
- a) a copy of the dormouse licence issued by Natural England authorising the development to go ahead; or
 - b) a statement of justification in writing from the dormouse licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Conservation of Habitats and Species Regulations 2017 (as amended) and Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required, because initial works to commence development have the potential to harm protected species.

33. **BADGER LICENCE:** No development shall commence, including groundworks and vegetative clearance, unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b) a statement of justification in writing from the licenced ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: In the interests of the strict protection of badgers and to comply with the Protection of Badgers Act 1992 and Conservation of Habitats and Species Regulations 2017 and in accordance with Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required, because initial works to commence development have the potential to harm protected species.

34. **ECOLOGICAL CLERK OF WORKS:** No occupation of any individual phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner, shall commence until a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, has been submitted and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and in accordance with Policy EQ4 of the Somerset District Council Local Plan.

35. SUSTAINABLE SURFACE WATER DRAINAGE SCHEME: No development shall commence until details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
 - Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 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. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.

- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. This should include the basins to the
- Details on the discharge location, the applicant will be required to undertake any remediation works to the receiving watercourse to ensure that this is suitable to take water from the site. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that this is not compromised by the initial works to commence development.

36. **LANDSCAPING:** To inform 'Landscaping' as a Reserved Matter, each application for approval of the Reserved Matters shall include a scheme of landscaping which shall seek to achieve the mitigation measures set out in within the submitted Environment Statement. The applications shall include the submission of updated arboricultural assessments including updated surveys of all existing trees and hedgerows on the land, and details of those to be retained and/pre removed as well as details of any changes proposed in existing ground levels. All proposed trees shall be set out with their RPZ at maturity which should inform the extent of space they shall be afforded and inform the relationship to built form.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy EQ2 of the South Somerset Local Plan.

37. **TIMING OF LANDSCAPING:** All planting, seeding or turfing comprised in the approved details of landscaping shall be fully carried out in the first planting and seeding season following the occupation of the buildings within that phase or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy EQ2 of the South Somerset Local Plan.

38. **WASTE AND RECYCLING:** As part of Reserved Matters applications, details of the refuse and recycling storage facilities for that phase or phases shall be submitted and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the associated refuse

and recycling storage facilities have been constructed and made available for use in accordance with the approved details. Once provided the refuse and recycling storage facilities shall thereafter be retained for those purposes.

Reason: To ensure that the development is adequately served with waste and recycling facilities that ensure the highest possible opportunities for minimising waste whilst maximising recycling in accordance with Policy EQ2 of the South Somerset Local Plan (adopted March 2015) and the provisions of the National Planning Policy Framework.

39. **BROADBAND CONNECTION:** The development hereby approved shall not be occupied unless and until each dwelling is supplied with an active broadband internet connection. The broadband internet provision shall thereafter be permanently retained as such.

Reason: To enable ease of working from home in accordance with Policy TA1 of the South Somerset Local Plan (adopted March 2015) and the provisions of the National Planning Policy Framework.

40. **PROGRAMME OF WORKS IN ACCORDANCE WITH A WRITTEN SCHEME OF INVESTIGATION (POW):** Prior to the commencement of the development hereby permitted, the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which shall have been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological evaluation and subsequent appropriate mitigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of preserving the archaeological interests to accord with the South Somerset Local Plan (adopted March 2015) and paragraph 200 of the National Planning Policy Framework.

41. **ARCHAEOLOGY AND ENSURING COMPLETION OF WORKS:** No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the Programme of works condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: In the interests of preserving the archaeological interests to accord with the South Somerset Local Plan (adopted March 2015) and paragraph 200 of the National Planning Policy Framework.

INFORMATIVES - 18/04057/OUT

1. **POSITIVE WORKING:** In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. **S106 AGREEMENT:** Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
3. **PHOSPHATE NEUTRALITY:** If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.
4. **DESIGN PRINCIPLES:** To inform the discharge of Condition 6 the Design Principles Document shall be influenced by the National Model Design Code, the National Design Guide (including the ten characteristics of well-designed places) and the Council's adopted Placemaking Principles - Creating Places for People.
5. **SECURED BY DESIGN:** The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings and the bespoke comments made by Avon and Somerset Police dated 26/09/2023.
6. **HIGHWAY LEGAL AGREEMENT:** The applicant will be required to enter into suitable legal agreements with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is encouraged to contact the Highway Authority to progress this agreement well in advance of commencement of development.
7. **TRAFFIC REGULATION ORDERS:** Any amendments to existing highway user rights on any route should be confirmed via an appropriate Traffic Regulation Order prior to works commencing on the routes affected. Undertaking works without the benefit of a suitable Order may constitute a breach of the Highways Act 1980 and appropriate actions will be undertaken by this Authority.
8. **PUBLIC RIGHTS OF WAY:** Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

9. **WESSEX WATER:** The applicant's attention is drawn to the letter provided by Wessex Water submitted to this application (dated 31/10/2023) and the advice contained therein in relation to the existing water supply apparatus across the site, foul and surface water sewerage and water supply.
10. **ENVIRONMENT AGENCY:** The applicant's attention is drawn to the letter provided by the Environment Agency submitted to this application (dated 25/09/2023) and the informatives and advice contained therein.
11. **DRAINAGE:** Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
12. **SOAKAWAYS:** Only clean, uncontaminated surface water from roofs and paved areas shall be discharged to any soak away or swale.
13. **FOUL FLOW:** In terms of foul flow, if the development will be unable to gravitate to the anticipated connection point and will require an on-site pumping station. You are advised to consult the Environment Agency and Wessex Water at the earliest opportunity.
14. **ODOUR:** As part of any Reserved Matters applications that proposes any residential floorspace within 50m of a proposed foul pumping station the application will need to consider potential odour impacts ideally through an odour impact assessment.
15. **FIRES:** You are advised that no burning of materials should take place where it could cause damage to any tree, tree group or hedgerow retained or planted on the site or adjoining land.
16. **PRE-APPLICATION & PUBLIC ENGAGEMENT PROCESS:** The applicant is encouraged to enter into early preapplication and public engagement on the details of the scheme to help improve the design and delivery of the pre-commencement and reserved matters conditions.

17. PEDESTRIAN AND CYCLE ACCESS: The applicant is made aware that within Section 336 of the Town and Country Planning Act 1990, “means of access” is defined as including any means of access, whether private or public, for vehicles or for foot passengers. Planning Practice Guidance also makes it clear that a 'reserved matter' may be partially resolved, with additional or further details agreed on that matter subsequently. As such, with full details of the motor vehicular accesses only submitted with this application, further details may be required regarding additional pedestrian and cycle accesses on the southern boundary of the site before 'access' can be considered a resolved matter. The applicant is advised to ensure any reserved matters application addresses the need to create well-connected, permeable neighbourhoods.