

## NOTICE OF DECISION

Town And Country Planning Act 1990



Mrs Nicola Chan  
Nicola Chan Studio  
19C Richmond Terrace  
Bristol  
BS8 1AA

Application Number: 21/P/2969/MMA

Category: Minor Material Amendment

**Application No:** 21/P/2969/MMA  
**Applicant:** Sarah Cox  
**Site:** Hernhill, Manor Lane, Abbots Leigh, North Somerset  
**Description:** Minor material amendment to planning permission 20/P/1489/FUH (demolition of porch and decking to the main house. Proposed single storey rear extension with new terrace and balcony. Demolition of lean-to and proposed conversion of garage structure into studio and ancillary accommodation to the main house) to allow for external wall and roof material to be altered for the garage conversion.

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS PERMISSION** for the above development in accordance with the plans and particulars received and subject to the following condition(s):-

- 1 The development hereby permitted shall be begun before the 16th September 2023

Reason: In accordance with the provisions of section 91 of the Town and Country Planning Act 1990 and because the planning permission 20/P/1489/FUH expires on 16th September 2023

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drw No: 01 202 Rev B - Proposed Garage Drawings

Plans and documents approved under permission; 20/P/1489/FUH:

Drw No: 00 001 - Existing Location  
Drw No: 00 002 - Existing Block Plan  
Drw No: 00 100 - Existing Ground Floor Plan  
Drw No: 00 101 - Existing Roof Plan  
Drw No: 00 102 - Existing First Floor Plan  
Drw No: 00 200 - Existing Elevations  
Drw No: 00 201 - Existing Garage Drawings  
Drw No: 00 202 - Existing Elevations 2  
Drw No: 01 002 - Proposed Site Layout Plan

Drw No: 01 100 - Proposed Ground Floor Plan  
Drw No: 01 101 Rev B - Proposed Roof Plan  
Drw No: 01 102 Rev B - Proposed First Floor Plan  
Drw No: 01 200 Rev B - Proposed Elevation 1  
Drw No: 01 201 Rev B - Proposed Elevation 2  
Drw No: 01 203 - Proposed Elevation 3  
Arboricultural Assessment Report  
Preliminary Bat Roost Assessment Report

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

- 3 The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1).

- 4 The garage conversion hereby permitted shall not be used except for private and domestic purposes and shall at no times be used for any commercial or business purposes whatsoever.

Reason: In the interests of the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy.

- 5 The balcony permitted as part of application ref: 20/P/1489/FUH shall not be brought into use until details and specifications showing a privacy screen to the north eastern side of the balcony have been submitted to and approved in writing by the Local Planning Authority. The details shall include the size, height and position of the privacy screen and the materials to be used. The balcony hereby permitted shall not be brought into use until the said privacy screen has been erected in accordance with the approved plans, specifications and materials. The privacy screen shall be maintained permanently thereafter in accordance with the approved details.

Reason: In the interests of protecting the privacy of neighbouring residents in accordance with policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

#### **Advice Notes:**

- 1 Positive and proactive statement: In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by publishing local planning guidance on the council's website, offering pre-application written advice and

publishing statutory consultee and neighbour comments on the council's website.

- 2 Protected species - bats: Please note that bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes bats and places used as bats roosts, whether bats are present at the time or not. If live bats or evidence of bats is unexpectedly found during the course of works, all works must cease and Natural England must be contacted immediately (0300 060 3900).

Date: 15 December 2021  
Signed: Richard Kent  
Head of Development Management

For advice about how to comply with the conditions above visit [www.n-somerset.gov.uk/planningconditions](http://www.n-somerset.gov.uk/planningconditions)

Please use our [online contact form](#) on our website at [www.n-somerset.gov.uk/contactplanning](http://www.n-somerset.gov.uk/contactplanning) if you require further information on this decision.

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE**

## NOTES RELATING TO A DECISION TO GRANT PLANNING PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY. Make sure everyone has a copy that needs it, including your builder or contractor.

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### Scope of this decision notice

This decision notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other agency that may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

### Building Regulations

Before you start construction work you need to obtain separate approval under Building Regulations. You can contact the team on 01275 884550 or submit your application on our [website](#).

### LABC Warranty

With policies underwritten by 'A' rated global insurers, you can secure finance more easily and get technical guidance throughout the build to limit the potential for any problems and ensure your reputation is protected. You will benefit from the support of a dedicated Account Manager and Customer Service contact. Visit <https://www.labcwarranty.co.uk/>

### Conditions

This approval is subject to conditions. They are an integral part of the decision and are important because they describe how the council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those conditions that have to be met before work commences. There is a fee for requests for written confirmation that conditions have been complied with. Details of these fees can be found on our website at [www.n-somerset.gov.uk/planningconditions](http://www.n-somerset.gov.uk/planningconditions). When sending us information please include the decision reference number and relevant condition number. Depending on the complexity of the issues involved it can take up to 12 weeks for conditions to be discharged. It is therefore important that you submit any required details to us early.

Applications to discharge planning conditions received from 1st January 2021 will be made available on our website for public inspection. This includes the name, address and contact details of the applicant and their agent. When applying to discharge a planning condition, you should consider very carefully what information about yourself and others you send us. If you do not want information or documents in your application to be shown on our website, please contact us directly when you make your submission so that we can consider your request. The default position is however to make the information public and an exception to this will not normally be agreed

### Appeals

If you are aggrieved by our decision to impose any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If you want to appeal against our decision then you must do so within 6 months [12 weeks if this is a decision to refuse planning permission for a shopfront proposal or a minor commercial application] of the date of this notice .

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Prepare for floods**

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

### **Works which affect a Public Highway**

Any works/events carried out by or for a developer which affects the public highway in any way must be co-ordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Developers are also required to liaise/seek permission of North Somerset Council's Street Works Section (01934 888802 or [streetworks@n-somerset.gov.uk](mailto:streetworks@n-somerset.gov.uk)) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavor to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. It should be noted that where road closures or formal restrictions are required to undertake works, a minimum of three months' notice will be required.

### **Public Rights of Way**

The grant of planning permission does not entitle developers to interfere or obstruct any public right of way (PROW). The obstruction of a PROW is an offence. If required an application can be made to North Somerset Council to divert the PROW and should be made well ahead of any development.

It is also an offence to drive a mechanically propelled vehicle without lawful authority on any PROW. The grant of planning permission should not be treated as a grant of lawful authority. Please contact the PROW Team for further advice on 01934 888802.

### **Changes to Plans**

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation (for example Building Regulations) it is important that you notify us (i.e. 'the planners') before carrying on with work. Amendments to your approved plans may require a fresh application and could even prove to be unacceptable. Details of how to seek formal approval of amendments to a planning approval can be found on our [website](#) or by visiting the planning portal.

### **Enforcement**

The council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

If the applicant was the Local Authority and the application was made under regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) then this permission enures only for the benefit of the Local Authority and such other person as was specified in the application.

**Street Naming**

When you receive consent for the building of new a development(s)/property or creating additional flats/units within an existing dwelling, for reasons of public safety and for the allocation of an official postal address, please contact the Street Naming and Property Numbering Section, Town Hall, Weston-super-Mare, BS23 1UJ; Tel: 01275 888761; email: [strnames@n-somerset.gov.uk](mailto:strnames@n-somerset.gov.uk). Learn more on our [website](#).

**Access to further information**

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk).