

NOTICE OF DECISION

Town And Country Planning Act 1990



Ricki Burrows
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Weston-super-Mare
BS23 3QL

Application Number: 23/P/1038/FUL

Category: Full application

Application No: 23/P/1038/FUL
Applicant: Mr Aaron Middleton
Site: Cannaways Barns, Silver Moor Lane, Banwell, BS29 6LQ
Description: Demolition of 2no. dwellings and an existing agricultural building on site (buildings annotated Units A, D and F on the existing topographical survey plan). Erection of 2no. self-build and custom build replacement dwellings.

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 expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

Drw No: LP001 - Site Location Plan
Drw No: PP005 - Proposed Dwelling Floor Plans
Drw No: PP006 - Proposed Dwelling Elevations
Drw No: PP010 - Proposed Site Plan
Topographical Survey

Energy Statement
Solar Panels Specification - September 2021
Preliminary Ecological Appraisal Report - March 2023
Initial Bat Survey Results - May 2023
Bat Survey Report - June 2023
Flood Risk Assessment - Version 1 - July 2023

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 policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

- 4 The development shall be carried out in accordance with the submitted Flood Risk Assessment (Version 1 amended July 12th July 2023) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 5.95 metres above Ordnance Datum (AOD).
- o Sleeping accommodation is to be restricted to the first floor only.
- o Flood resilience measures as stated to be adopted.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding, and in accordance with paragraph 163 of the National Planning Policy Framework, policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

- 5 The development, hereby permitted, shall not commence vegetation clearance, ground works or demolition until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- i. Identification of risks with potentially damaging construction activities.
- ii. Identification of biodiversity protection zones and buffer zones.
- iii. Practical measures to avoid or reduce impacts during construction to identified protected species or habitats associated with the site (may be provided as a set of method statements)
- iv. The location and timing of sensitive works to avoid harm to biodiversity features.
- v. The times during construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- vii. Use of protective fences, exclusion barriers and warning signs.
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

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

Reason: In the interests of European and UK protected species under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 6 The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- i. a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - ii. a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence
 - iii. a statement in writing from the licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 7 Where a European protected species licence is required, works will not in any circumstances commence until:
- i. Relevant site operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.
 - ii. Suitable provisions are made available to accommodate any discovered bat(s) as directed by a licensed bat ecologist. Any such provisions will be maintained in-situ thereafter.
 - iii. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist
- Written confirmation of the induction and installation of any suitable provisions will be submitted to the Local Planning Authority by the ecologist after completion.

Reason: To ensure the strict protection of European protected species and in accordance with the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 8 No external lighting shall be installed until details, including:
- i. details of the type and location of the proposed lighting;
 - ii. existing lux levels affecting the site;
 - iii. the proposed lux levels; and
 - iv. lighting contour plans,

have been submitted to and approved in writing by the Local Planning Authority. Any

external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 9 Prior to the occupation of the dwellings hereby permitted the existing structures on site which are to be demolished (buildings annotated Units A, D and F on the existing topographical survey plan) shall be demolished.

Reason: The Local Planning Authority are not prepared to allow the siting of the existing structures harm the character and appearance of the area contrary to policy CS12 of the North Somerset Core Strategy, policy SA2 of the North Somerset Sites and Policies Plan (Part 2 - Site Allocations Plan) and policies DM32 & DM37 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order, with or without modification), no extensions to the dwellings shall be carried out other than those expressly authorised by this permission.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and it has reached the limit of floorspace increase for replacement dwellings in the countryside in accordance with policy CS12 of the North Somerset Core Strategy, policies DM32 DM38 and DM44 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).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garages, sheds or other structures shall be erected within the curtilages of the four dwellings hereby permitted unless first agreed in writing with the local planning authority.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and the living conditions of neighbouring residents and in accordance with policy CS12 of the North Somerset Core Strategy, 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).

Date: 23 October 2023
Signed: Richard Kent

Head of Planning

For advice about how to comply with the conditions above visit www.n-somerset.gov.uk/planningconditions

Please use our [online contact form](#) on our website at 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.

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

Our surveyors can help you find out if you will also need building regulations approval and advise you how to proceed. There is no charge for this service, which you can request online or by calling 01275 884550.

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/>

Builders and consultants

Many people worry about finding the right builder or consultant. Whilst we don't recommend any business, we do share on our website a list of local professionals that regularly use our building control service and who have won awards.

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. 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.

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.

Protected species

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally or recklessly disturb a protected species while it is occupying a place which it uses for shelter or protection. This includes, for example, bats or birds in roof spaces or cavities. Obtaining planning permission does not grant permission to disturb protected species. Licences can, however, be issued to allow construction works that would otherwise be prohibited. Applications for licences should be made to Natural England before any construction works commence on site.

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) 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. 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.

Community Infrastructure Levy (CIL)

North Somerset Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on 18th January 2018. If your development is liable for the CIL, this Planning Decision Notice will be followed by a CIL Liability Notice to set out the amount payable and the next steps. You must not commence development until the CIL Team confirms in writing that the requirements and obligations of the CIL have been complied with. It is strongly advised you familiarise yourself with the CIL process prior to commencement of development, you can find out more about the CIL on our website here: [Community infrastructure levy | North Somerset Council \(n-somerset.gov.uk\)](#) or by contacting the CIL Team on: cil@n-somerset.gov.uk