

## NOTICE OF DECISION

Town And Country Planning Act 1990



Stokes Morgan Planning Ltd  
B20 Kestrel Court  
1 Harbour Road  
Portishead  
BS20 7AN

Application Number: 17/P/2377/F

Category: Full application

**Application No:** 17/P/2377/F  
**Applicant:** Yatton Developments Ltd  
**Site:** Titan Ladders, 195 - 201 Mendip Road, Yatton, BS49 4ET  
**Description:** Demolition of existing buildings and erection of 37no. dwellings with associated vehicular access improvements, parking, hard/soft landscape works and drainage

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;

Plans:

- Existing Site Plan - Drg. No. 17.017 - 001
- External Works Plan - Drg. No. 17.016 - 004E
- Swept Path Analysis - Car Parking - Drg. No. TR08
- Management Area Plan - Drg. No. 17.016 - 300 rec. 12 Sept. 2019
- Plot 19 Section - Drg. No. 17.016 - 025
- Plot 19 Section - Drg. No. 17.016 - 022
- Plot 15 Section - Drg. No. 17.016 - 026
- Proposed Site Sections - Drg. No. 17.016 - 003D
- Materials - Drg. No. 17.016 - 021A
- Apartment elevations sheet 1 - Drg. No. 17.016 - 019
- Apartment elevations sheet 1 - Drg. No. 17.016 - 020A
- House Type A - BRICK - Drg. No. 17.016 - 010a
- House Type A - RENDER - Drg. No. 17.016 - 011a
- House Type B - BRICK - Drg. No. 17.016 - 012
- House Type B - RENDER - Drg. No. 17.016 - 013
- House Type C - Drg. No. 17.016 - 014A
- House Type D - Drg. No. 17.016 - 015A

- Apartments ground floor plan - Drg. No. 17.016 - 016A
- Apartments first floor plan - Drg. No. 17.016 - 017A
- Apartments second floor plan - Drg. No. 17.016 - 018A
- House type B - BRICK (plots 6-7) - Drg. No. 17.016 - 022
- Apartment cycle store - Drg. No. 17.016 - 025

Documents:

- Planning Supporting Statement dated September 2017
- Affordable Housing Statement dated September 2017
- Economic Statement dated September 2017
- Design and Access Statement dated 01 June 2017
- Report on Marketing dated June 2017
- Drainage Strategy dated June 2017
- Sustainability Strategy and Energy Statement dated 21 July 2017
- Arboricultural Report dated July 2017
- Transport Note dated July 2017
- Technical Note on Parking January 2018 (HTp/1734/TN/03)
- Ecological Assessment dated August 2017
- Site Maintenance Plan Rev A rec. 19 November 2018
- Adoptable Specification Highways/Private Management rec. 03 January 2019

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

- 3 No development shall commence, unless otherwise agreed by the Local Planning Authority in writing, until a Construction Traffic Management Plan for the development has been submitted to and approved by the Local Planning Authority in writing. The Construction Traffic Management Plan shall;
- provide details concerning the volume, type and nature of vehicles accessing the site during the construction period and shall include details of the route taken by vehicles serving the site and how such vehicles and their operation will be managed on arrival and on leaving the site;
  - incorporate measures to avoid vehicle movements to and from the site during peak travel times, including the start and finish hours of the school day and times of site operation;
  - include demolition / construction programme;
  - include risk assessment;
  - include safety measures such as wheel washing facilities;
  - include provision for construction of staff car parking.

Reason: To reduce the risk of disruption and inconvenience to other road users and in the interests of road safety and in accordance with policy DM24 of the North Somerset Sites and Policies Plan Part 1.

- 4 Notwithstanding the submitted Site Maintenance Plan Rev. A dated 12 August 2018, no development above damp-proof course level shall take place until details of the proposed Management Company responsible for the areas shown coloured blue on approved drawing no. 17.016-300, received on 12 September 2018, have been submitted to and approved by the Local Planning Authority in writing. The submitted detail shall include the future management and maintenance arrangements for the area coloured blue and including drainage and refuse collection and shall provide contact details for the appointed administration and day to day running of the management company, including any successor(s) responsible for the management of the area of land coloured blue. The Management Company shall furthermore put in place the necessary arrangements for the onsite management and collection of household waste and shall ensure that no household

waste from the site is left outside the site on the public highway for a period in excess of a 24-hour period. The agreed detail, that sets out the scope of the Management company, its future resourcing and accountability to residents, shall thereafter be strictly adhered to the satisfaction of the Local Planning Authority who shall be informed immediately should there be any change to the working arrangement/practice of the appointed management company.

Reason: To ensure that a satisfactory management plan is in place to safeguard the environment and the living conditions of residents of the development by providing ongoing management and maintenance of surface water drainage, the private access road and driveway and the services within these areas, including waste collection and disposal in accordance with policies CS7 and CS12 of the North Somerset Core Strategy and policy DM32 and DM70 of the North Somerset Sites and Policies Plan Part 1.

- 5 The development hereby approved shall be constructed in accordance with finished floor levels as shown on the approved plans.

Reason: To ensure accordance with the approved plans and to reduce residual flood risk to the development and future occupants and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM1 of the North Somerset Sites and Policies Plan Part 1.

- 6 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM1 of the North Somerset Sites and Policies Plan Part 1.

- 7 No dwelling, within the development hereby approved, shall be connected to the surface water drainage system until the off-site drainage works that comprise the clearance of the existing drainage ditch located on land immediately to the west of the site has been carried out to the satisfaction of the Local Planning Authority. The carrying out of the clearance works shall where necessary include the reprofiling of the ditch in accordance with the requirements of the North Somerset Levels Internal Drainage Board.

Reason: To ensure that the development is served by a satisfactory surface water drainage system that is fully functional and capable of accepting the surface water discharge from the site in accordance with policy CS3 of the North Somerset Core Strategy and policy DM1 of the North Somerset Sites and Policies Plan Part 1.

- 8 No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of 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, and archaeological sites and ancient monuments

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/landcontaminationconditions](http://www.n-somerset.gov.uk/landcontaminationconditions).

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM1 of the North Somerset Sites and Policies Plan Part. 1

- 9 Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must 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.

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/landcontaminationconditions](http://www.n-somerset.gov.uk/landcontaminationconditions)

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

- 10 The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset

Core Strategy.

- 12 The cycle storage facility for each dwelling, including the cycle storage for the proposed apartments, as shown and referred to on drawing No. 17.016-004D, shall be provided in a secure lockable form prior to the occupation of each respective dwelling/apartment and shall thereafter be maintained by the future occupiers at all times.

Reason: To promote the use of a sustainable mode of transport and in accordance with policy CS12 of the North Somerset Core Strategy policy DM28 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Parking Standards SPD.

- 13 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, the angled first floor bedroom window on plots 7 and 8 together with the north facing first floor window on plot 37 shall be permanently retained as non-opening and shall be permanently glazed with industry standard level 3 obscure glass in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of privacy and to protect the living conditions of the neighbouring properties from being overlooked in accordance with policy DM37 of the North Somerset Sites and Policies Plan Part 1 and in accordance with the North Somerset Residential Design Guide - section 1 Supplementary Planning Document.

- 14 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, no extensions or alterations projecting beyond the north elevation of plots 19, 20 and 37, including the insertion of any additional windows within the respective north elevations, shall be permitted without the express prior approval of the Local Planning Authority, in writing.

Reason: In the interests of privacy and to protect the living conditions of the neighbouring properties from being overlooked in accordance with policy DM37 of the North Somerset Sites and Policies Plan Part 1 and in accordance with the North Somerset Residential Design Guide - section 1 Supplementary Planning Document.

- 15 No development above damp-proof course level shall commence until full details of a landscaping scheme including full details of the size, species and spacing of plants and trees have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.

- 16 For the duration of the development works existing trees/hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other

activity takes place within this protective zone and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

- 17 All works comprised in the approved details of landscaping shall be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

- 18 Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

- 19 The dwellings hereby approved shall not be occupied until measures to reduce their predicted energy demand and CO2 emissions by 15% above that required to comply with Part L Building Regulations have been installed. Such measures shall be applied at the date of construction through micro renewable or low-carbon technologies, unless, for reasons of viability and/or deliverability, a different standard is agreed. These must be fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with policies CS1 and CS2 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan Part 1.

- 20 The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

- 21 No works shall be commenced until sample panels of the external building materials to be used in the construction of dwellings, boundary walls and surface materials to be used in the construction of the roads, pavements and parking areas, have been submitted to and approved, in writing, by the Local Planning Authority. Construction shall be only in accordance with the approved materials unless otherwise agreed in writing by the Local Planning

Authority.

Reason: To ensure that materials to be used are acceptable and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1.

- 22 The proposed footway serving the development from Mendip Road shall be constructed to a useable standard and finish for pedestrian use prior to the occupation of the first dwelling on the development hereby approved. The final finished surface to the footway shall thereafter be completed prior to completion of the last of the dwellings that have pedestrian access from the proposed un-adopted highway.

Reason: To ensure that residents are provided with a safe and satisfactory pedestrian access route from Mendip Road both during the construction phase of the development and on completion of the development in accordance with policy CS12 of the North Somerset Core Strategy and policies DM25 and DM32 of the North Somerset Sites and Policies Plan Part 1.

- 23 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority in writing. The submitted CEMP shall include best practice pollution prevention guidelines. The approved CEMP shall thereafter be implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that the nearby rhine network to the west of the site (including SSSI Sites) and other retained habitats and species are not adversely impacted by the proposed works and in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

- 24 The ecological compensation and enhancement measures recommended in the application submitted Ecological Assessment dated August 2017, which includes the planting of a new native hedge along the west boundary of the site together with the installation of bird and bat boxes, house sparrow terrace and night bat roost, shall be carried out in accordance with a detailed phasing plan to be agreed with the Local Planning Authority in writing prior to occupation of the first of the approved dwellings.

Reason: To provide compensation for the loss of habitat and to enhance the diversity of wildlife on this edge of settlement site and in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

#### **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 Communal Cycle storage

The applicant / developer is advised that integral communal bin, mobility vehicle and bicycle stores with blocks of flats should have no windows and be fitted with secure

doors that meets the physical specification PAS24:2012.

3 North Somerset Levels Internal Drainage Board

The applicant/developer is advised to contact the North Somerset Levels Internal Drainage Board concerning the arrangements for carrying out the off-site clearance of the existing drain ditch the subject of condition number 10.

4 Security

The applicant/developer is advised that Approved Document Q1 of the building regulations 2010 that came into force on October 1st 2015, creates security requirements in relation to windows and doors including those that are easily accessible. Windows and doors must reach the required PAS 24:12 certification and standards as set out in this document. Should the developer apply for Secure By Design (SBD) then the SBD accreditation would exceed the requirements of Approved document Q.

5 Parking court

The applicant/developer is advised that Communal parking courts should be lit to the relevant levels recommended by BS5489:2013.

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

Date: 5 April 2019

Signed:



Director of Development & Environment

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) 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.

---

### 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](#).

### 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.

### 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-coordinated 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 88761; 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).