

NOTICE OF DECISION

Town And Country Planning Act 1990



Mr Chris Beaver
PlanningSphere Ltd
Coworking
The Guild
High Street
Bath
BA1 5EB

Application Number: 19/P/2244/FUL

Category: Full application

Application No: 19/P/2244/FUL
Applicant: Cypress Wood Partnership
Site: The Poplars,4 The Avenue, Yatton,BS49 4DA
Description: Extension to existing dwelling and conversion of existing dwelling into 2no. residential dwellings; erection of 7no. additional dwellings, internal access road, landscaping and associated works.

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/documents:

Drawings:

GA-00 Location and Block Plans
GA 01B Existing Site Plan
GA 02D Proposed Ground Floor Site Plan
GA 03D Proposed First Floor Site Plan
GA 04D Proposed Roof Plan
GA 05A Plots 1 and 2 Existing Plans
GA 06A Plots 1 and 2 Proposed Plans
GA 07A Plots 1 and 2 Existing Elevations
GA 08A Plots 1 and 2 Proposed Elevations
GA 09B Plot 3 Plans
GA 10C Plot 3 Elevations

GA 11B Plot 4 Plans
GA 12B Plot 4 Elevations
GA 13 Plots 5-9 Ground Floor Plans
GA 14B Plots 5-9 First Floor Plans
GA 15B Plots 5-9 Roof Plans
GA 16C Plots 5-9 Elevations
GA 18 Garage Plans and Elevations
086-001_N Landscape Plan (indicative)
086-002_D Tree Retention and Removal Plan
086-005_E Illustrative Landscape Plan
086_201_D Planting Plan (indicative)
Refuse collection plan received 02 December 2019
18036-GA02 - Proposed Works to High Street Access Junction (final design to be approved under the Highways Act)

Documents:

Arboricultural Assessment by Tim Pursey - Rev B dated 19 August 2019 - with the exception of reference to works within the root protection areas, which is no longer proposed and does not form part of the approved plans

Ecological Impact Assessment by Abricon Ltd - 001MAAV100 Version 3.2 dated 6 September 2019

Draft Landscape and Habitat Management plan by Greenhalgh Landscape Architecture - Document reference 086-SP-01 Revision p1 dated 28 November 2019

Landscape Strategy by Greenhalgh Landscape Architecture - document reference: 086-G100 Revision: G dated 29 August 2019

Energy Statement by Energytest Ltd dated 29 August 2019

Accessible Housing Statement dated September 2019

Email from Sandra Tuck dated 14 November 2019 re Accessible Dwelling

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

- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) wheel washing facilities
 - (e) measures to control the emission of dust and dirt during construction
 - (f) measures to control noise from works on the site

- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) measures to keep access roads clear of vehicles
- (i) routing restrictions
- (j) construction phasing restrictions
- (k) location and specification of fencing and other measures for the protection of retained trees

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 and DM9 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.

- 4 No work relating to the construction of the development hereby approved, including works of demolition, preparation prior to operations and deliveries of materials shall take place outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

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 development hereby permitted shall not be carried out except in accordance with the arboricultural method statement and tree protection plan contained in the Arboricultural Assessment by Tim Pursey (Rev B dated 19 August) - with the exception of reference to works within the root protection areas, which is no longer proposed and does not form part of the approved plans.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

- 6 No external walls or roofs of any dwelling shall be constructed until details of the walling and roofing materials to be used for the dwelling concerned have first been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the 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).

- 7 The development shall not take place except in strict accordance with the measures outlined in the Ecological Impact Assessment by Abricon Ltd - 001MAAV100 Version 3.2 dated 6 September 2019. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning

Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, objective EO1 of the Yatton Neighbourhood Plan policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Advice about discharging conditions relating to ecological mitigation can be found at:
www.n-somerset.gov.uk/batroostconditions
www.n-somerset.gov.uk/birdboxconditions
www.n-somerset.gov.uk/ecologyconditions

- 8 No means of external illumination shall be installed on the application site other than in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. No approved lighting shall subsequently be altered or varied without the prior written permission of the Local Planning Authority.

Reason: To protect bat habitat and the amenity of the area in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy EP4 of the Yatton Neighbourhood Plan, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 9 No dwelling shall be occupied until a hard and soft landscape scheme for the plot concerned has been submitted to and to and approved in writing by the Local Planning Authority. The scheme shall show details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, size, species and positions of all new trees and shrubs; details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site; and a programme of implementation. The hard and soft landscaping scheme shall follow the principles of the approved Landscape Strategy and shall be consistent with any previously approved landscaping schemes for other plots on the application site. The landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify. All hard landscape works shall be permanently retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

For advice on how to discharge this condition, please refer to www.n-somerset.gov.uk/landscapingconditions

- 10 No dwelling shall be occupied until a five year landscape and habitat management plan for the plot concerned has been submitted to and approved in writing by the Local Planning Authority. The landscape and habitat management plan shall follow the principles of the submitted draft dated 28 November 2019 (ref 086-SP-01 Revision P1) and shall be consistent with any previously approved drafts for other plots on the application site. The management plan shall include prescriptions and a table of works, including monitoring. Ongoing management for each plot shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with objective EO1 of the Yatton Neighbourhood Plan, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Advice about discharging ecology conditions can be found at:
www.n-somerset.gov.uk/ecologyconditions

- 11 No dwelling hereby permitted shall be occupied until the junction of the Avenue with the High Street has been amended in accordance with the principles of drawing number 18036-GA02 (which will be subject to the separate consent of the Highway Authority) and the wall at the entrance to the application site has been reduced in height in accordance with the approved details. The said wall shall not be subsequently increased in height without the prior written permission of the Local Planning Authority.

Reason: To ensure that the development is served by a satisfactory means of vehicular access in the interests of road safety, and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

- 12 No above ground work shall take place until a revised surface water drainage strategy, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details and programme.

Reason: To reduce the risk of flooding, and in accordance with 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).

For advice about discharging this condition please refer to www.n-somerset.gov.uk/drainageconditions.

- 13 No dwelling on plot numbers 3-9 inclusive shall be occupied until the windows specified on the approved plans for that plot as having obscure glazing or privacy screens have been fitted with obscure glazing and privacy screens in accordance with the approved details. The obscure glazing used shall provide a degree of obscuration

no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Decorative Glass Range" (published November 2017). These windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. 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), the obscure glazing, method of opening and privacy screens shall not be subsequently altered without the prior written permission of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and 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).

- 14 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 first floor windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the dwellings on plots 3-9 inclusive without the prior written consent of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and DM37 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).

- 15 The finished ground and ridge height levels for the development hereby permitted shall not exceed those shown on the approved plans.

Reason: In order to ensure that the height of the development is appropriate in the interests of the character and appearance of the area and the living conditions of neighbouring residents and in accordance with policy CS12 of the North Somerset Core Strategy, policy DM32 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).

- 16 The dwelling on plot number 4 shall not be occupied until it has been constructed in such a way that it is accessible and sufficient to meet the needs of occupants with differing needs, including disabled people, as well as being constructed to allow adaptation to meet the changing needs of the occupants over time. To achieve this requirement, the accommodation should meet the standards contained in the Building Regulations 2010, Approved Document Part M 'Access to and use of dwellings': M4(2) 'Accessible and adaptable dwellings'.

Reason: In order to provide suitable accommodation for future occupants, including disabled people, in accordance with policy CS2 of the North Somerset Core Strategy and policy DM42 of the North Somerset Sites and Policies Plan (Part 1).

- 17 No dwelling shall be occupied until secure parking facilities for bicycles have been provided for it in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM 28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

- 18 No dwelling shall be occupied until a properly consolidated and surfaced parking area has been constructed and made available for it in accordance with the approved plans and specifications. The approved parking areas shall thereafter be permanently retained and kept available for parking at all times.

Reason: In order to ensure that adequate parking provision is made for each occupier in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

- 19 No dwelling shall be occupied until the proposals for reducing energy use and measures for providing on-site renewable and low carbon energy generation have been provided for it, and are fully operational, in accordance with the details for the dwelling concerned as set out in the Energy Statement by Energytest Ltd dated 29 August 2019 and the approved plans. Thereafter, the energy saving/generation measures shall be permanently retained in accordance with the approved details 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.

- 20 No dwelling shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with the approved plans and specifications. The said space and facilities shall thereafter shall be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the dwellings hereby permitted.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

Advice Notes(s):

- 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 Natural England Mitigation Licence: Please note that a relevant Natural England licence must be approved before works which are likely to lead to an offence under the Conservation of Habitats and Species Regulations 2017. To proceed without a licence in this case would be likely to result in a criminal offence.
- 3 Protected species - nesting birds: Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). This protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
- 4 Works in the highway: Under section 184 of the Highways Act 1980, any new works within the highway boundary must be to the council's specification and prior to any works, the developer must arrange with the council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway. Such approval is required regardless of any other permissions or consents (e.g. planning permission) that may be granted by the council.
- 5 Works in the highway: The works within the highway in association with this development will require the developer to enter into a section 278 Agreement under the Highways Act 1980). The developer is advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the council's inspection charges.
- 6 Sewers for Adoption: Sewers for Adoption 8 (pre-implementation version) is now available, and will be published in 2019, it includes alterations for SuDS standards and maintenance, therefore we would recommend that a discussion with Wessex Water about maintenance and standards takes place.

Date: 6 December 2019

Signed: Richard Kent

Head of Development Management

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

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

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. 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.

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) 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.