

## NOTICE OF DECISION

Planning (Listed Building and Conservation Areas Act) 1990



Network Rail  
Mrs Lisa Bullock  
Temple Point  
Bristol  
BS1 6NL  
United Kingdom

Application Number: 22/P/1956/LBC

Category: Listed Building Consent

**Application No:** 22/P/1956/LBC  
**Applicant:** Network Rail  
**Site:** Devil's Bridge, Bleadon Hill, Weston-Super-Mare  
**Description:** Listed building consent for alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS CONSENT** for the above development in accordance with the plans and particulars received and subject to the following conditions:

- 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 18 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

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

Site location plan dated 13.11.17  
009425-VED-WST-MLN1-DRG-EST-278501 Existing general arrangement and proposed details rev A01 dated June 2022  
Bat survey report rev 1 dated August 2021 (Development Ecology)  
Covering letter from Network Rail dated 11.08.22  
Design and Access Statement dated August 2022  
Design of Bridges - NR/L3CIV/020

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

- 3 The development shall not take place except in strict accordance with the measures outlined in Section 4.2 Recommendations of the Bat survey report (Development Ecology Consultants Ltd., 2021). 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 (as amended including by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 4 No metal railings shall be installed until detailed working drawings showing any changes in the height of the railings at the ends of the bridge have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To clarify how variations in height of the existing parapet walls will be dealt with and if the proposed metal railings will need to change in height at certain locations, in order to maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

- 5 All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved or where otherwise first agreed in writing by the local planning authority.

Reason: To protect the character and appearance of the Listed Building and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

- 6 The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications.

Reason: To ensure that materials to be used are acceptable in the interests of preserving the character and appearance of the Listed Building, and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

#### **Advice Notes:**

- 1 Protected Species: All species of bats, (including their roosts), wild birds (including nests and eggs until the young have fledged), reptiles, great crested newts and dormice are legally protected. If these species, or actively used water vole burrows, otter holts or badger setts are encountered before or during building work you must cease work and contact a suitably qualified ecologist for advice. Details of suitably qualified ecologists operating regularly in North Somerset can be found using the

search tool on the Chartered Institute of Ecology and Environmental Management: [www.cieem.net/members-directory](http://www.cieem.net/members-directory). In the event that European protected species are encountered (bats, great crested newt, dormice, water vole and otter), all works must cease and Natural England must be contacted immediately (0300 060 3900).

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: 23 February 2023  
Signed: Richard Kent  
Head of Development Management

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 CONSENT

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 Listed Building Consent 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.

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.

### **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-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 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).