

NOTICE OF DECISION
Town And Country Planning Act 1990



Mr Harry Spawton
Gerald Eve LLP
1 Marsden Street
Manchester
M2 1HW

Application Number: 19/P/0835/OUT

Category: Outline Application

Application No: 19/P/0835/OUT
Applicant: Marshalls Mono Ltd
Site: Bleadon Quarry, Bridge Road, Bleadon, Weston-super-Mare
Description: Outline application with details of access (matters of layout, scale, appearance and landscaping are reserved) for the demolition of all industrial buildings, plant and machinery, the erection of up to 42 dwellings and 500 sqm of flexible Use Class A2/B1/D1 floor space, open space, landscaping, new vehicle and pedestrian access, and associated works.

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

- 1 Approval of the details of the appearance, landscaping (which shall include landscaping to the rock fall bunding areas) layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before development is commenced

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of 3 years from the date of this permission.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiry of three years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to approved, whichever is the later.

Reason: In accordance with the provisions of section 92 of the Town and Country

Planning Act 1990.

- 4 The development hereby permitted shall, unless otherwise subsequently agreed by the Local Planning Authority, be carried out in general accordance with the following approved plans:
1506/PC2/05, 09, 10A and 12A.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

- 5 No more than 42 dwellings shall be constructed on the site.

Reason: In order to ensure that the development does not have the effect of overloading Bridge Road in accordance with Policy DM24 of the North Somerset Council's Sites and Policies Plan Part 1.

- 6 The basic shell of the flexible A2/B1/D1 use class units hereby approved, with a maximum combined footprint of 500m², shall be constructed together with suitable parking areas and made available in accordance with details to be submitted to and approved by the Local Planning Authority prior to the 30th dwelling being occupied.

Reason: In the interests of promoting the employment units and sustainable construction and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

- 7 No dwelling shall be occupied until a marketing strategy for the approved flexible A2/B1/D1 use class units has been submitted to and approved by the Local Planning Authority. The written and approved marketing strategy shall be implemented prior to occupation of development and six-monthly updates on the progress of the marketing shall be provided to the Local Planning Authority until the units are fully occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting and marketing the employment units in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

- 8 The details submitted in accordance with condition 1 of this permission shall include plans and specifications showing how at least 17% of the proposed dwellings, unless it has been demonstrated to the satisfaction of the Local Planning Authority that it is not practicable and viable, will be constructed in such a way that they are 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 and which plots will deliver these requirements. 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'. No dwelling specified in the submitted details as being constructed to meet this requirement shall be occupied until it has been constructed in complete accordance with the approved plans and specifications, unless amended plans and specifications have first been submitted to and approved in writing by the Local Planning Authority.

In addition, unless it has been demonstrated to the satisfaction of the Local Planning Authority that it is not practicable and viable, all dwellings shall be designed to comply with the DCLG's 'Technical Housing Standards-nationally described space standard'.

Reason: In order to ensure the provision of accommodation to adequately meet the needs of 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).

- 9 Not more than 30 dwellings shall be occupied before a play area consisting of a minimum of 600m² together with details of a minimum of six items of play equipment has been constructed in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the play area shall be permanently retained and shall not be used for any purpose other than as a play area.

Reason: To ensure that an appropriate play area is provided in accordance with policy CS27 of the North Somerset Core Strategy.

- 10 No dwellings shall be occupied until a Management Plan, which seeks to monitor and manage the rock face around the site, has been submitted to and approved by the Local Planning Authority. The approved Management Plan shall thereafter be implemented in accordance with its recommendations to the satisfaction of the Local Planning Authority.

Reason: In order to manage and reduce the risk of rock falls around the site in the interests of public safety in compliance with Policy CS3 of the North Somerset Replacement Core Strategy.

- 11 No development above proposed ground levels shall commence until materials are agreed and samples and/or sample panels of their respective exterior building materials have been provided on the site and have been approved in writing by the Local Planning Authority. The materials to be used in the development shall be in strict accordance with those approved and no other material shall be used unless the Local Planning Authority has first approved it in writing.

Reason: To ensure that materials to be used are acceptable and in accordance with Policy DM32 of the North Somerset Development management Policies (Part 1).

- 12 No building shall be occupied until the layout, visibility and alignment of the proposed access roads, driveways, footpaths, vehicle manoeuvring, turning spaces, car parking spaces, to serve the development have been constructed in accordance with

detailed plans to be submitted to and approved as part of the reserved matters application. No dwelling shall be occupied until the existing access to the site on Bridge Road has been permanently stopped up in accordance with details that have been submitted to and approved in writing by the local planning authority. Once constructed, these facilities shall be retained at all times.

Reason: To ensure adequate vehicle and pedestrian access, as well as adequate turning and parking space is available at all times to serve each development before it is occupied, in accordance with Policy DM24 of the Sites of Policies Plan Part 1.

- 13 The dwellings shall not be occupied until sight lines have been provided at the junction between the means of access and the highway in accordance with details to be submitted to and approved by the Local Planning Authority

Reason: In the interests of road safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites of Policies Plan Part 1.

- 14 No dwelling shall be occupied until details of satisfactory replacement parking spaces have been submitted to and approved by the Local Planning Authority for Magnolia Cottage, Quarry House, The Poplars and Laurel House and implemented in accordance with the approved details. These spaces shall be used for no other purpose.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites of Policies Plan Part 1.

- 15 No dwelling shall be occupied until the footpath links between the site and the relocated bus stops on the A370, relocation of bus stops, tactile paving, crossing points and pedestrian island have been completed in accordance with drawing SK006 P2; and a speed table in Bridge Road and Trief kerbing for the length of the table has been installed in accordance with plans to be submitted to and approved by the Local Planning Authority before commencement of works.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites of Policies Plan Part 1.

- 16 No dwelling shall be occupied until a Safe Route to School along a public footpath route between the site and Oldmixon Primary School and Broadoak Academy Secondary School in accordance with plans to be submitted to and approved by the Local Planning Authority has been constructed in accordance with the approved plans and specifications.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites of

Policies Plan Part 1.

- 17 The pedestrian crossing and footway shown on drawing SK006 Rev P2 shall not be constructed until it has been subject to an approved a Stage 2 Road Safety Audit (RSA) and any requirements of that audit have been incorporated into a design submitted to and approved by the Local Planning Authority. The crossing and footway have been constructed in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites of Policies Plan Part 1.

- 18 The flexible A2/B1/D1 use class units shall not be occupied until a Sustainable Travel Plan, which sets out measures that seek to reduce the number of single occupier vehicle trips to and from the site, has been submitted to and approved by the Local Planning Authority. The approved travel plan shall thereafter be implemented in accordance with its recommendations, unless otherwise agreed, and shall thereafter be reviewed to the satisfaction of the Local Planning Authority.

Reason: In order to reduce the number of single occupier vehicle trips to and from the site in compliance with locational and sustainable policies contained in National Planning Guidance and Policy DM26 of the North Somerset Council's Sites and Policies Plan Part 1.

- 19 The proposed Mulberry Lane footpath shall be constructed in such a manner, together with a controlled access to be provided at the entrance of Mulberry Lane to prevent non-resident vehicular traffic and signage, as to ensure that the development, before it is brought into use, shall be served by a properly consolidated and surfaced footpath between the development and existing highway in accordance with details to be submitted to and approved by the Local Planning Authority. In addition, the proposed hillside footpath shall be constructed in such a manner, together with handrails and signage, as to ensure that the development, before it is brought into use, shall be served by a properly consolidated and surfaced and stepped-footpath between the development and existing public footpath in accordance with details to be submitted to and approved by the Local Planning Authority. Both accesses shall be open and fully operational prior to the occupation of the first dwelling.

Reason: To ensure that the development is served by an adequate means of access and in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Council's Sites and Policies Plan Part 1.

- 20 All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following completion of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and Policy DM32 of

the Sites and Policies Plan Part 1.

- 21 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.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance Policy DM32 of the Sites and Policies Plan Part 1.

- 22 No trees or hedges shall be felled, lopped, topped or grubbed out until the last of the reserved matters is approved and any such trees or hedges which during that time are removed or die, or become severely damaged or seriously diseased shall be replaced with trees or hedging plants or such size and species and at such time as may be specified by the Local Planning Authority.

Reason: To protect existing trees and hedges until the Local Planning Authority has had the opportunity to consider their future in relation to the details of the development proposed and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy and Policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the 'North Somerset Biodiversity and Trees SPD (2005)'.

- 23 No above-ground work shall commence until surface water drainage works have been implemented in accordance with details submitted to and approved in writing by the local planning authority, which are in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems. The results of this assessment shall be provided to the local planning authority with the submitted details. The system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change.

The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site to 5 l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) taking into account long-term storage, and urban creep;
- c) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework

(notably paragraphs 17, 103 and sections 10 and 11), 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).

- 24 No above-ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The surface water drainage scheme shall be designed to incorporate biodiversity objectives. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

The details to be submitted shall include:

- a) a timetable for its implementation and maintenance during construction and handover; and
- b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, 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).

- 25 No dwelling shall be occupied until details showing the boundary treatment within and surrounding the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be completed before the dwellings are occupied.

Reason: In the interests of the visual appearance of the development in the local street scene, and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

- 26 No development shall commence until protective fencing has been erected around existing trees to be retained, allowing a minimum 5.0 m margin between this and the root spread of any retained trees, hedges and woodland. Unless otherwise specified the fencing shall be 1.2m high and consist of chestnut pale fencing or chain link fencing supported by a scaffold framework braced or driven into the ground to resist impacts. Unless otherwise specified the fencing shall be erected at 1m beyond the canopy spread or at a distance equal to half the height of the tree, whichever is greater. This fencing shall remain in place during site works. The local planning authority is to be advised prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.

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 DM32 the North Somerset Council's Sites and Policies Plan Part 1.

- 27 Ecological mitigation and enhancement works for the site shall be carried out prior to first occupation in accordance with the recommendations of the Ecological Appraisal (March 2019) and Bat Survey (June 2019) submitted with the application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To meet the adopted North Somerset Core Strategy Policy CS4 objectives and to comply with the Conservation of Habitats and Species (Amendment) Regulations 2012.

- 28 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the LPA. The Construction Environmental Management Plan shall identify measures to:
- a) minimize the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork, site storage and compound requirements, siting and installation of services such as drainage, construction
 - b) manage Heavy Goods Vehicle (HGV) access to the site, including hours of work, equipment and machinery, traffic routing, avoid soil or other contamination to local roadways,
 - c) the location of any site compound, and details of any lighting to be used
 - e) precautionary working measures or method statements for avoidance of harm to protected and notable species and wild mammals, and retained site habitats, and to provide mitigation for protected and notable species, and wild mammals including if they are found during construction
 - f) include a copy of an Ecological Constraints, Mitigation and Enhancement Parameters Plan (ECMEPP) to inform all activities on site.

Once approved, the Construction Environmental Management Plan shall be adhered to at all times, with any amendments agreed in writing with the LPA before proceeding.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations (2017); Natural Environment and Communities Act 2006; Wildlife and Countryside Act 1981, Protection of Badgers Act 1992, Wild Mammal Protection Act 1996; and Core Strategy policy CS4 and Sites and Policies Plan Part 1 Development Management Policies Policy DM8.

- 29 No dwelling shall be occupied until an annotated plan showing location and specifications for bat roosting (one lesser horseshoe bat night roost within the northern vegetated margin) and bird nesting features to support the bat and bird species identified on site, shall be submitted to the LPA for approval in writing. Twelve Bird nesting features shall be provided and may be located either within the built environment under eaves (for swift, house martin and house sparrow) or within the landscaping scheme (e.g. nest box for wren). Any caves accessible to the public, shall be assessed by a bat ecologist as to potential to support bats, and grilled

appropriately to retain access for bats, with retained lockable access, to retain and protect undisturbed cave roosting habitats for bats.

Reason: For compliance with the Section 40 NERC Act Duty and policies CS4 and DM8.

- 30 Prior to the commencement of development of any reserved matters an up-to-date ecological survey for protected species, including reptiles and amphibians, on the reserved matters site, shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. If any protected species are identified as inhabiting that site, then a scheme for mitigation against any impacts from the development together with a timetable for these works shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details.

Reason: To protect biodiversity and protected species in accordance with policies CS4 and DM8 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies.

- 31 The landscaping scheme referred to in condition 1 shall provide details of trees, scrub and calcareous grassland to be brought into positive conservation management, with any native and biodiversity-supporting planting to support biodiversity within Public Open Space, Sustainable Drainage Systems within residential areas including garden areas and shall facilitate wildlife commuting routes.
A site landscape interpretation board shall be installed, describing the retained habitats, with management objectives, examples of local notable plant and animal species and a concise list of suggestions for residents to support local biodiversity. The landscape planting scheme design and implementation shall be checked and signed off by the ecological and landscape consultant to ensure the required mitigation and enhancement is implemented.

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 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset Biodiversity and Trees SPD and the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD; and to ensure compliance with the Conservation of Habitats and Species Regulations (2017) and Section 40 of the Natural Environment and Rural Communities Act (NERC) 1996.

- 32 A landscape ecological management plan (LEMP), including:
i) design and ecological mitigation and biodiversity enhancement objectives;
ii) management prescriptions and timings
iii) monitoring and review reporting schedule for years 1, 3, 5 and 10 post completion;
iv) detailed schedule of maintenance of SUDS treatment train features;
shall be submitted to and approved, in writing, by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset Biodiversity and Trees SPD and the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD.

- 33 The first reserved matters application shall be accompanied by a lighting strategy and specification and site lighting plan. The strategy shall address matters to include the size and orientation of window openings to secure and maintain dark corridors; and baseline and proposed lux contour plans, this shall ensure and demonstrate that retained semi natural habitats identified on the 2019 WYG Ecological Appraisal habitat plan are retained at evidenced post 23:00 night time baseline lighting levels; or ideally at or below 0.5 lux. The lighting plan shall include details of how checking and reporting on the night-time lighting lux levels within retained habitat locations for years 1,2, 5 and 10 will be carried out and reported to the LPA. The development shall be carried out in full accordance with the lighting strategy and specification and no variation to this shall be made without the prior written approval of the Local Planning Authority.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations (2017), Wildlife and Countryside Act 1981 (as amended).and planning policies CS4 and DM8 by minimization of the potential for light pollution in accordance with Policy CS12 of the North Somerset Core Strategy to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).

- 34 No later than first occupation of any dwelling on the site, a scheme of bat and light monitoring shall be submitted to the LPA for approval in writing, which shall include details of bat detection methods, locations of detectors, duration of each monitoring period, and the proposed form of reporting. Details shall also be provided to the local record centre (BRERC) for information. Incidental sightings of notable plants or animals shall be recorded.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations (2017) and planning policies CS4 and DM8.

- 35 The dwellings hereby approved shall not be occupied until measures to generate 15% of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies have been installed on site and are fully operational in accordance with 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 dwellings and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

- 36 The dwellings shall be provided with a water storage butt and composter prior to occupation unless details of proposed exceptions have first been supplied to and approved by the Local Planning Authority.

Reason: The Local Planning Authority wish to encourage sustainable water storage and recycling initiatives in line with Government Policy and in accordance with Policy CS3 of the North Somerset Core Strategy.

- 37 The dwellings shall not be occupied until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Avon Fire Service has been submitted and approved in writing by the LPA. The dwellings shall not be occupied until the fire hydrants have thereafter been provided.

Reason: The Local Planning Authority wish to manage fire risk and protect residents in accordance with Policy CS3 of the North Somerset Core Strategy.

- 38 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 plans to be submitted and approved by the Local Planning Authority. 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

- 39 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

A preliminary risk assessment which has identified:

- 1 all previous uses,
- 2 potential contaminants associated with those uses,
- 3 a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; and.

The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken and.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

REASON: To prevent the increase risk of pollution to the water environment.

- 40 A scheme providing details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected is required. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies.

- 41 Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 42 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 LPA shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect controlled waters.

- 43 No development/demolition shall take place within the site until a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority has been implemented. The programme of archaeological work should provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person or persons and completed in accordance with the approved written scheme of investigation.

Reason: To ensure that archaeological interests are properly dealt with in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies). An agreed programme of archaeological work is required before any other development commences on site in order to set out and approve the method statement and ensure

appropriate mitigation and contingency strategies are provided should significant remains be encountered during the watching brief.

- 44 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing and shall be completed in accordance with the approved details and to a timetable to be agreed with the Local Planning Authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

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 Associated Legal Agreement(s): This decision notice must be read in conjunction with the terms of the Legal Agreement(s) of the same date. You are advised to satisfy yourself that you have all of the relevant documentation.
- 3 The submitted planning application mentions two abstraction boreholes/wells on site. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site overlies a Principal Aquifer and the water table is at shallow depth.
- 4 Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
- 5 In accordance with the waste hierarchy, you are advised to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.
- 6 If any waste is to be used onsite, you will need to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If any controlled waste is to be removed offsite, then site operator must ensure a

registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

- 7 The LPA would welcome the inclusion of Electric Vehicle charging points. Points should be OLEV compliant (not 3 pin socket) wall or ground mounted, having a minimum of 7kW / 32 amps power capacity. All charge points should use 'smart' technology to allow balancing of electricity supply and demand. Both the active and passive provision should be shown on a plan as part of the planning application and developers should specify what passive/active provision is to be provided. The likely requirement for vehicle charging should be considered and a suitable number and type of charging points proposed, and details included at the reserved matters stage.
- 8 The previous use of the proposed development site as a cement works and quarry presents a high/medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:
 - o located upon a Principal Aquifer,
 - o the water table is at shallow depth.

The application's Geo-Environmental report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

- 9 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under s23 and 66 of the Land Drainage Act 1991 from the Axe Brue Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's district.
- 10 Where common wild mammals are present on or immediately adjacent to the construction site, works must be implemented such as to comply with the Wild Mammal Protection Act 1996. The ecological consultant to advise on site enabling works, to include phased removal of vegetation and development of the Site, including periods of minimal disturbance from construction to provide opportunities for wild mammals to migrate away from areas of disturbance, where likely to be feasible. For example, sequential exposure of rabbit warrens/fox earths. For further information refer to Natural England's web pages (for example, most recent TIN guidance notes).

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

- 11 External lighting must comprise no or low UV output and be designed to avoid areas likely to supporting roosting, foraging or commuting bats, for further information refer to the Bat Conservation Trust web pages; link:
http://www.bats.org.uk/data/files/bats_and_lighting_in_the_uk__final_version_version_3_may_09.pdf

- 12 It is noted that building B9 is proposed to be resurveyed prior to demolition; you will need to clarify whether a Natural England licence will be required (as the LPA is required to apply the three derogation tests where a Natural England EPS is required).

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

Date: 1 March 2021
Signed: Richard Kent
Head of Development Management

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

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.

