

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT, 1990. (AS AMENDED)

**Somerset West
and Taunton**

Agent

WYG
WYG
90 Victoria Street
Bristol
BS1 6DP

Applicant

WYG
Home and Communities Agency
c/o Agent

Date Registered 16/01/2020

Application No NMA/21/20/001

Application Type Non Material Amendment **Parish** Minehead

Grid Reference:

Description of Proposal

Non-material amendment applications to amend conditions 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19 and 20 of outline planning permission 3/21/13/120

Location of Site

Land off Hopcott Road, Minehead

The non-material amendment is granted subject to the following conditions:

- 1 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: As required by Section 92 of the Town and Country Planning Act 1990.
- 2 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters" shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:- This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended)
- 3 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason As required by Section 92 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans.

- Location Plan 01;

- Survey 02;
- 13450/T06;
- 13450/T07 (rev.A)
- 13450/T08
- Proposed Wall Foundation (drawing no.1100 A1)

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

- 5 No works shall be undertaken on site (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) until a site waste management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.

Reason: In the interests of good design having regard to the provisions of Policy NH13 of the West Somerset District Local Plan to 2032.

- 6 No works shall be undertaken on the site (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) unless a scheme for the lighting of the site during construction operations (including the provision of the external lighting on buildings) has been submitted to and approved in writing by the local planning authority. The external lighting of the site shall only be carried out in accordance with the approved plan.

Reason: To prevent pollution to the environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the site and its surroundings having regard to the provisions of Policy NH9 of the West Somerset District Local Plan to 2032.

- 7 No development (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- i) Construction vehicle movements;
- ii) Construction operation hours;
- iii) Construction vehicular routes to and from the site;
- iv) Construction delivery hours;
- v) Expected number of construction vehicles per day;
- vi) Car parking for contractors
- vii) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- viii) A scheme to encourage the use of Public Transport amongst contractors; and
- ix) Measures to avoid traffic congestion impacting upon the Strategic Road

Network.

Reason: To prevent pollution to the land and/or water environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the site and its surroundings having regard to the provisions of Policy NH9 of the West Somerset District Local Plan to 2032.

- 8 During the construction operations (other than those shown on proposed Wall Foundation Plan ref. no.1100 A)
all vehicles leaving the site shall be in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and shall be fully implemented prior to the commencement of development and thereafter maintained until construction operations cease.
Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.
- 9 A condition survey of the existing public highway shall be carried out and agreed in writing with the Local Planning Authority prior to any works (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Local Planning Authority once all construction works have completed on site.
Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.
- 10 No development (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall commence until a proposed layout scheme to include the provision for access to other parts of the Hopcott Road site as identified in the Emerging Local Plan is submitted for approval in writing by the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycle ways and footpath linkages for the future development of the Hopcott Road site. The development shall be carried out strictly in accordance with the approved details
Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.
- 11 No development (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall commence until details of the proposed highway works, including: estate roads; footpaths; tactile paving; cycle ways; bus stops/bus lay-bys; verges; junctions; street lighting; sewers; drains; retaining walls; services routes; surface water outfall; vehicle overhang margins; embankments; visibility splays; access; carriageway gradients; drive gradients; car, motorcycle and cycle parking; street furniture; and a programme of implementation of such highways works has been submitted to and approved in writing by the Local Planning Authority. The highway works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.

- 12 The proposed estate roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.

- 13 The proposed estate roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: In the interests of highway safety having regard to the provisions of ID1 of the West Somerset District Local Plan 2032.

- 14 The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy ID1 of the West Somerset District Local Plan 2032.

- 15 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason In the interests of highway safety.

- 16 No work (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall commence on the development hereby permitted until an appropriate right of discharge for surface water has been obtained and submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.

Reason To ensure the adequate provision of drainage infrastructure.

- 17 No work (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall be undertaken on site until a badger survey of the site is conducted. Such a survey shall be conducted not later than six months before commencement of the development hereby approved. The results of this survey shall be submitted to the Local Planning Authority within two weeks of its completion.

Reason: To safeguard badgers and their setts having regard to the provisions of Policy NH6 of the West Somerset District Local Plan 2032.

- 18 No works (other than those shown on proposed Wall Foundation Plan ref. no.1100 A) shall be undertaken on site unless details of mitigation for impacts of the development on bats has been submitted to the Local Planning Authority. This mitigation should be consistent with that recommended in the report 'Ecological and Protected Species Surveys Hopcott Road , Minehead , Somerset ' dated 'December 2013'. Most importantly, a landscape buffer of at least 3 meters width of suitable habitat should be maintained around the development site (with the exception of the single site entrance onto Hopcott Road) at all stages of the development . Any necessary mitigation measures identified by the survey shall be incorporated into the development and subsequently retained.
Reason: To safeguard protected species and their roosting / nesting sites having regard to the provisions of Policy NH6 of the West Somerset District Local Plan 2032.

- 19 No works (other than those shown on Proposed Wall Foundation Plan ref. 1100 A1) shall be undertaken on site unless details of a scheme for the retention and/or creation of suitable features and habitat likely to be used by nesting birds, has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of a programme of implementation and provisions for the long-term management of features and habitats used by nesting birds. The works shall thereafter be carried out in accordance with the approved scheme.
Reason To safeguard nesting birds and their habitat having regard to the provisions of Policy NH6 of the West Somerset District Local Plan 2032.

- 20 No works (including ground clearance works, but excluding those shown on Proposed Wall Foundation Plan ref. 1100 A1) shall be undertaken on site unless details of a scheme for the avoidance of killing or injuring of slow worms has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme.
Reason To avoid unnecessary killing or injuring of slow worms having regard to the provisions of Policy NH6 of the West Somerset District Local Plan 2032

Notes

- 1 This decision should be read in conjunction with the extension to the reserved matters approval ref. NMA/21/20/002.
- 1 This decision should be read in conjunction with the extension to the reserved matters approval ref. NMA/21/20/002.



Rebecca Miller (Principal Planning Specialist)

30 March 2020

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

Discharge/compliance with conditions: A fee is payable from 1 September 2008 where a written request is made for the discharge or compliance with one or more conditions on the same permission. The fee is payable for each request and not for each condition. If when the development has been completed you apply for confirmation of compliance with a condition or conditions then a separate fee will also be payable. Please see the following webpage on West Somerset Council's website:

<http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Discharge-of-Conditions> for more detailed information.

Appeals to the Secretary of State: If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and Regions under Section 78 of the Town and Country Planning Act 1990 (Please note, only the applicant possesses the right of appeal). If the development relates to Householder development and you want to appeal, then you must do so within 12 weeks of the date of this notice and you must use a Householder Planning Appeal form when making your appeal. If the development relates to another type of development and you want to appeal, then you must do so within 6 months of the date of this notice and you must use a Planning Appeal form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require, which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 030 444 5000 or online at www.planningportal.gov.uk/pes. 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 which excuse the delay in giving notice of appeal, and you should not rely on this concessionary power.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice. If you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices: If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim

that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation: In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to the conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act.

You are reminded that this permission does not convey any necessary approval under the Building Regulations 1991 (as amended). Further information can be obtained from my Council's Consumer Services Unit should you be unsure of the requirements.

Having regard to the powers of the Highway Authority under the Highways Act 1980 you should consult them by telephoning 01643 700700, if any work connected with the development hereby permitted takes place within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc).

This permission does not authorise you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and if required, further information in connection therewith can be obtained from the Chief Executive, Council Offices, Williton.

Your attention is drawn to the provisions of the Party Walls Act 1996. In many cases this requires notices to be served and a formal procedure to be followed. You should contact your legal advisor, architect, surveyor or other professional advisor for details.

This planning certificate does not purport to convey any approval or consent which may be required by any bye-law, order or regulation or any enactment other than the Town and Country Planning Act, 1990.