



Appeal Decision

Site visit made on 16 March 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/D0121/W/21/3285415

Land at 173-175 Kenn Road, Clevedon BS21 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Shane Paull of Yourlife Management Services Ltd against North Somerset Council.
 - The application Ref 21/P/1955/FUL is dated 2 July 2021.
 - The application sought planning permission for the redevelopment of the site to form a retirement living plus (Extra Care) development of 57 units (C2 Use), a children's nursery and associated parking, landscaping, new vehicular access and pedestrian access from Kenn Road without complying with conditions attached to planning permission Ref 20/P/2411/FUL dated 15 June 2021.
 - The condition in dispute is No 12 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending or revoking and re-enacting that Order, the proposed first and second floor Juliette balconies located on the west facing, elevation 3, and the first and second floor east facing, elevation 1, together with the proposed first floor Juliette balconies located on the north facing, elevation 2, of the proposed retirement living apartments hereby approved, shall be permanently glazed with industry standard level three obscure glass, or similar opaque glazing, in accordance with details to be submitted to and approved by the Local Planning Authority. The height of glazing required above the respective first and second floor finished floor levels shall be no less than 1.40 metres high.
 - The reason given for the condition is: To prevent downward views into the neighbouring properties and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.
-

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to form a retirement living plus (Extra Care) development of 57 units (C2 Use), a children's nursery and associated parking, landscaping, new vehicular access and pedestrian access from Kenn Road at Land at 173-175 Kenn Road, Clevedon, BS21 6LH in accordance with the terms of the application, Ref 21/P/1955/FUL, dated 2 July 2021, subject to conditions set out in the attached Schedule.

Background and Main Issue

2. Planning permission was originally granted for the development of the appeal site under ref: 18/P/4846/FUL¹. A second planning permission² was subsequently granted, relating to amendments to the scheme that included an increase in the number of units from 54 to 57 amongst other changes to the drawings. This decision is still extant and work has commenced on site.
3. The appeal before me relates to a condition imposed on the second permission approved on the 15 June 2021, namely condition 12 which requires the installation of obscure glazing to the Juliet balconies to a height of no less than 1.4m. The appellant is now seeking a reduction in the height of the obscure glazing to no less than 1m. My consideration of this appeal centres around this issue.
4. Following the submission of the appeal against non-determination, the Council has clarified the position it would have taken on the application if it had had the opportunity to make a decision. The Council has confirmed that it would have refused the application by reason of overlooking and the resultant effect on the living conditions of occupiers in St Michael's Avenue, Cherry Hay and Closemead.
5. The main issue in this appeal therefore is whether condition 12 is reasonable and necessary having regard to the effect on the living conditions of occupants of neighbouring properties in St Michael's Avenue, Cherry Hay and Closemead with respect to privacy.

Reasons

6. The appeal site is located to the south of residential properties on St Michael's Avenue and to the east of properties on Cherry Hay and Closemead.
7. The boundary between the appeal site and the properties on St Michael's Avenue consists of a close boarded fence which I understand will be reduced in height as part of the proposed works. At the time of my visit, there was an established conifer hedge along the western boundary of the appeal site, such that the properties on Cherry Hay and Closemead were not visible from within the building. However, from the information I have before me, it is not clear whether this hedge would be retained and provide the level of screening it currently offers. I have determined the appeal on this basis.
8. The Supplementary Planning Document Residential Design Guide – section 1 – protecting living conditions of neighbours (SPD) sets out that a minimum distance of 21m is required between a proposed upper floor window and existing habitable rooms to preserve the privacy of neighbouring properties, with a minimum of 7m from the proposed upper floor window to the rear boundary of the property it adjoins. The information I have before me indicates that the appeal proposal complies with this requirement, with a minimum distance between the appeal building and neighbouring properties being in excess of 23m. Moreover, even though there is a largely unobstructed view towards the rear of the properties on St Michael's Avenue, when standing at

¹ The application was described as Redevelopment of the site to form a retirement living plus (Extra Care) development of 54 units (C2 Use), a children's nursery and associated parking, landscaping. New vehicular and pedestrian access from Kenn Road.

² Planning permission ref: 20/P/2411/FUL

the openings within the appeal property, it was not possible to discern activity within the properties or even observe activity within the rear gardens, even allowing for the proposed reduction in the height of the fence.

9. In addition to the Juliet balconies, there are a number of other windows on each elevation of the appeal building. For example, on the elevation which faces towards Cherry Hay and Closemead (indicated as 'Elevation 3' on drawing number SW-2440-03-AC-38-R), there is in excess of 25 other window openings proposed at first floor level and above. A reduction in the height of the obscure glazing to the openings with Juliet balconies to not less than 1m would largely reflect the cill heights of the other window openings in the building. Whilst the opening may be slightly wider than the windows, this would not result in any greater degree of overlooking than would already occur from the window openings.
10. The living room area served by the Juliet balcony would be the focal point of activity during the day and inevitably this is the area where future occupiers would choose to sit. Moreover, from a seated position, there will be more opportunity for occupiers to look out of their windows than there would be with a 1.4m high screen. However, I find that the distances between the appeal site and the surrounding residential properties is such that an unacceptable level of overlooking would not occur with obscure glazing to a height of not less than 1m.
11. My attention has been drawn to the guidance in the SPD relating to balconies and raised platforms, and in particular the fact that these can lead to increased opportunities for overlooking, noise and disturbance when compared to windows. Projecting balconies provide an outdoor area where occupiers can sit, stand and spend a considerable amount of time. By contrast, an opening with a Juliet balcony ensures that all residential activity takes place from within the building and consequently I have attached little weight to this part of the SPD in my determination of this appeal.
12. As such, the development with condition 12 amended in the way suggested by the appellant would not conflict with Policy DM32 of the North Somerset Council Sites and Policies Plan Part 1 and the SPD insofar as they seek to protect the living conditions of adjoining occupiers from the unacceptable effects of overlooking including loss of privacy.

Other Matters

13. The town council have raised an issue relating to the height of Juliet balconies above floor level. The condition I have imposed would not preclude the appellant from complying with any technical standards which require a minimum height of 1.1m above finished floor level.
14. Interested parties have made representations relating to the vehicular access, vibrations and an increase in the number of units proposed on site. However as there is an extant planning permission on the site this does not alter my findings in respect of the main issue. I understand that it can be frustrating for interested parties when subsequent amendments are sought to an approved scheme but a developer is not precluded from seeking to do this and I am required to determine the merits of the proposal before me.

15. My attention has been drawn to a Tree Preservation Order at the site but the works which are subject of this appeal will have no effect on trees.

Conditions

16. The guidance in the Planning Practice Guidance makes it clear that decisions under section 73 should set out all the conditions imposed on the new permission and restate the conditions imposed on earlier permissions that continue to have effect. The Council have provided a list of suggested conditions which largely replicate those on the second planning permission but have been updated where necessary to include information already submitted and agreed.
17. Accordingly, I have reimposed the previous conditions or substituted them with an amended condition to reflect the agreed details, with the exception of the time limit which I have restricted to three years from the original permission date. I have not found it necessary to amend condition 2 (compliance with the relevant drawings) as the revised detailing relating to the balcony is covered by condition 12. I have reimposed conditions 19, 31 and 38 from the second planning permission as I found the wording suggested by the Council to be unclear. In the event that this or some of the other conditions have in fact been discharged, that is a matter which can be addressed by the parties.
18. I have corrected the numbering in condition 8 which appears to be a typographical error and does not change the overall aims of the affected condition.

Conclusion

19. The proposal, with a revised Condition 12, would adhere to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 14 June 2024
- 2) The development hereby permitted shall be carried out in accordance with the following documents and plans received:

Documents:

- Geotechnical Report / Site Investigation Desk Study Report October 2017;
- Energy Statement November 2018;
- Tree Survey Data 2018;
- Employment Land Statement November 2018;

- Design and Access Statement (Retirement Living Plus and Children's Day Nursery) June 2019;
- Design and Access Statement (Children's Day Nursery) June 2019;
- Planning Statement July 2019;
- Sequential Test & Exception Test July 2019;
- Statement of Community Engagement July 2019;
- Noise Assessment July 2019;
- Completed CIL Form July 2019;
- Arboricultural Method Statement July 2019;
- Flood Risk Assessment September 2019;
- Air Quality Screening Assessment September 2019;
- Transport Statement October 2019;
- Travel Plan October 2019,
- Arboricultural Impact Assessment Report Rev. B October 2019.

Plans:

Plans dated 18 April 2018:

- Drg. No. SW-2440-03-AC-001-AA - Location Plan
- Drg. No. SW-2440-03-AC-002-C - Existing Site Layout Plan

Rec. July 2019:

- Drg. No. 194355 AP02A - Proposed Plans and Roof (Day Nursery)
- Drg. No. 194355 AP03A - Proposed Elevations and typical sections (Day Nursery)
- Drg. No. 194355 AP04A - Perspective View (Day Nursery),
- Drg. No. 04907-TCP OCT 2018 - Tree Constraints Plan.

Rec. November 2019:

- Drg. No. 100.0006.C - Access Vehicle Tracking Part 1 of 2,
- Drg. No. 100.0007.B - Access Vehicle Tracking Part 2 of 2,
- Drg. No. 100.0006.001F - Access Design and Visibility Splays.

Rec. 26 February 2020 (Refer to approved Drg. No. SW-2440-03-AC-026-AL for approved footprint of retirement building):

- Drg. No. SW-2509-03-LA-002 - General Arrangement,
- Drg. No. SW-2509-03-LA-003 - Kerbs and Edges,
- Drg. No. SW-2509-03-LA-004 - General Paving Details,

- Drg. No. SW-2509-03-LA-005 - Fences, Walls and Rails,
- Drg. No. SW-2509-03-LA-006 - Seating and Street Furniture,

Rec. 30 June 2020:

- Drg. No. 04907 TPP.AMS Access Road 29.06.20-TPP.AMS.

Rec. under application 18/P/4846/FUL:

- Drg. No. SW-2440-03-AC-026-AL - Proposed Site Layout,
- Drg. No. SW-2440-03-AC-028-AA - Proposed Ground Floor Plan,
- Drg. No. SW-2440-03-AC-029-V - Proposed First Floor Plan,
- Drg. No. SW-2440-03-AC-030-AJ - Proposed Second Floor Plan,
- Drg. No. SW-2440-03-AC-034-U - Proposed Roof Plan,
- Drg. No. SW-2440-03-AC-037-X - Proposed Elevations,
- Drg. No. SW-2440-03-AC-038-R - Proposed Elevations,
- Drg. No. SW-2440-03-AC-400-E - Shadow Plan Winter Solstice 21
December 2021,
- Drg. No. SW-2440-03-AC-401-E - Shadow Plan Summer Solstice 21
June 2021,
- Drg. No. SW-2440-03-AC-402-E - Shadow Plan Equinox 22
September 2021,
- Drg. No. SW-2440-03-AC-403-E - Shadow Plan Additional Times.

3) The development hereby approved shall, unless otherwise agreed by the Local Planning Authority in writing, be carried out in accordance with the phasing plan detail shown on drawing number No. SW-2440-03-AC-601ROOF GA (173707) as approved by letter dated 08 April 2021 under Local Authority reference 20/P/3053/RDC.

4) The use of the larger of the two buildings hereby permitted shall be restricted to that of a C2 Use Class (Retirement Living with Care) as described in the application. The premises shall be used for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

5) The use of the smaller of the two buildings hereby permitted shall be restricted to that of a D1 Use Class (Day/Children's Nursery) as described in the application. The premises shall be used for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

6) The children's nursery hereby approved shall operate between 07:00 hours and 19:30 hours Monday to Saturday and shall not operate at any time on Sundays or

on Bank or Public Holidays unless otherwise agreed by the Local Planning Authority in writing.

7) The Retirement apartments hereby approved shall not be occupied other than by persons who have attained the age of 70 years or the spouse or partner of such persons including a widow or widower.

8) The construction of the retirement development shall be carried out in accordance with the submitted Construction Traffic Management Plan (100.0006 CTMP3) as approved by letter dated 11 March 2021 under Local Authority reference 20/P/3053/RDC. The approved Plan shall be adhered to throughout the construction period. No development on the construction of the proposed Nursery building shall commence until a Construction Management Plan for this phase of the development has been submitted to and approved by the Local Planning Authority. The submission of the Construction Management Plan for the proposed nursery shall provide/confirm the following details:

- (i) The hours of construction.
- (ii) Details of how the hours of delivery/export of materials and particularly those involving HGV's will be managed to avoid conflict with peak periods of vehicle and pedestrian's movement.
- (iii) Loading and unloading of plant and materials.
- (iv) Storage of plant and materials used in constructing the development.
- (v) The erection and maintenance of security hoarding.
- (vi) Wheel washing facilities or other measures to prevent or clear mud or debris from the highway.
- (vii) Measures to control the emission of dust and dirt during construction.
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Plan shall be adhered to throughout the construction period.

9) Demolition of the existing buildings shall take place prior to the construction of the children's nursery and furthermore shall take place between 08:00 hours and 18:00 Monday to Friday, 08:00 hours to 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

10) The finished floor level of the development hereby approved shall be set at a minimum finished floor level of 6.6 above Ordinance Survey Datum (AOD).

11) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, the north-facing window that serves the corridor within the two storey part of the retirement living building hereby approved, shall, unless otherwise agreed with the Local Planning Authority in writing, be permanently retained as non-opening and shall be permanently glazed with industry standard level 3 obscure glass in accordance with details to be submitted to and approved by the Local Planning Authority.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the proposed first and second

floor Juliette balconies located on the west facing, elevation 3, and the first and second floor east facing, elevation 1, together with the proposed first floor Juliette balconies located on the north facing, elevation 2, of the proposed retirement living apartments hereby approved, shall be permanently glazed with industry standard level three obscure glass, or similar opaque glazing, in accordance with details to be submitted to and approved by the Local Planning Authority. The height of glazing required above the respective first and second floor finished floor levels shall be not less than 1 metre high.

13) The development hereby approved shall be carried out in accordance with the submitted Landscape Management Plan, rev. G, as approved on 11 March 2021 under Local Authority reference 20/P/3053/RDC. The future intended maintenance and management responsibilities for the overall site, including all routine ground maintenance works and the removal of discarded leaf mould and clearance of any new plant growth within the visibility line formed at the proposed vehicle access junction with Kenn Road, shall be in accordance with the Plan.

14) The development hereby approved shall be carried out in accordance with the Tree Protection Plan 04907 TPP Rev E.18.2.21-TPP (1) and 04907 TPP Rev E.18.2.21-TPP (2) and supporting detail approved on 11 March 2021 under Local Authority reference 20/P/3053/RDC. The agreed measures shall be in accordance with Sections 5 to 8 of British Standard BS5837: 2012 - 'Trees in relation to design, demolition and construction - recommendations' (the arboricultural method statement) and shall be carried out as described and approved.

15) The landscape planting scheme for the site shall, unless otherwise agreed by the Local Planning Authority in writing, be carried out in accordance with the submitted landscape plans, drawing numbers SO-2509-05-LA-007.1- Detailed Planting - [sheet 1 of 2] Rev B and SO-2509-05-LA-007.1- Detailed Planting - [sheet 2 of 2] Rev B and supporting detail, as approved on 11 March 2021 under Local Authority reference 20/P/3053/RDC.

16) For the duration of the development works existing trees/hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge in accordance with the submitted and agreed tree protection measures approved by the Local Planning Authority on 11 March 2021 under Local Authority reference 20/P/3053/RDC. Within the agreed protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

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

19) Details of the proposed boundary fencing and fencing to the two children's nursery external play areas, shall be submitted to and approved by the Local

Planning Authority prior to its installation. The approved boundary fencing shall be provided in full prior to the first use of the buildings hereby approved.

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

21) The external building materials to be used in the construction of the retirement home development hereby approved, together with surface materials to be used in the construction of the access roads, pathways and parking areas, shall be in accordance with the submitted sample of materials schedule approved by the Local Planning Authority on 11 March 2021 under Local Authority reference 20/P/3053/RDC. No development on the construction of the proposed Nursery building and the external surfaces associated with the intended use of the proposed nursery building, shall be commenced until sample panels of the building materials to be used in the construction of the approved nursery building have been submitted to, and approved by the Local Planning Authority in writing. Thereafter, there shall be no change to the agreed materials unless otherwise agreed by the Local Planning Authority in writing.

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

23) The children's nursery building shall be constructed to a minimum BREEAM standard rating of 'Very Good' and after the development is completed a formal assessment of it shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report along with a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of the first occupation of the development.

24) The development hereby approved shall not be brought into use until passive provision that allows for electric vehicle charging has been designed and incorporated into the approved car park areas in accordance with Landscaping plan SO-2509-05-LA-002- GENERAL ARRANGEMENT (1) indicating the proposal of ductwork for EV parking in bays 04, 05 & 06 hereby approved in line with local authority application 21/P/2967/AOC.

25) The two premises hereby approved shall not be occupied until the public accesses have been made suitable for use by disabled people in accordance with Landscaping plan SO-2509-05-LA-002- GENERAL ARRANGEMENT (1) hereby approved in line with local authority application 21/P/2967/AOC.

26) All proposed fixed plant, ventilation, extraction and flue systems, including odour control systems and boiler vents, associated with the development, including

details of any/all means of enclosure of such plant, shall be built or installed in accordance with plan EXTRACT FAN DETAILS Drw No. 172876 dated 21st June 2021 and approved by the local authority under reference 21/P/2702/AOC.

27) The rating level of all external plant either singly or in combination, shall not exceed background noise levels when assessed in accordance with BS4142:2014 at the nearest noise sensitive property.

28) No deliveries shall be taken at or despatched from the site outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

29) The development hereby approved shall be carried out in accordance with the submitted ground investigation report, 5013302-RDG-XX-ST-DOC-C-OOGCA01-COMPRESSED, dated December 2020 as approved in writing by the Local Planning Authority on 11 March 2021 under Local Authority reference 21/P/0201/AOC.

30) The development of the site shall be carried out in accordance with the submitted remediation method statement, 5013302-RDG-XX-ST-DOC-C-00RMS01 - Clevedon RMS, as approved in writing by the Local Planning Authority on 11 March 2021 under Local Authority reference 21/P/0201/AOC.

31) The approved remediation scheme must be carried out in accordance with its terms, as proposed and approved in writing by the Local Planning Authority on 11 March 2021 under Local Authority reference 21/P/0201/AOC. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority for approval in writing.

32) The surface water drainage details for the retirement phase of the development site shall be carried out in accordance with the submitted plans and supporting documents approved on 08 April 2021 under Local Authority reference 20/P/3053/RDC. No above groundwork shall commence on the site of the proposed nursery until surface water drainage works for the proposed nursery phase of the development have been implemented in accordance with details that have been submitted and approved in writing by the Local Planning Authority. Surface water should be disposed of via a sustainable drainage system 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 shall be provided to the local planning authority with the submitted drainage 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, control and reduce the surface water discharge rate and volume from the site by a restricted rate equivalent to a 30% betterment on the pre-development 30-year return period discharge and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) 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.

33) The implementation, maintenance and management of the approved sustainable drainage scheme relating to the retirement building phase of the development site, shall be carried out in accordance with the submitted detail and supporting documents approved on 08 April 2021 under Local Authority reference 20/P/3053/RDC. No above groundwork on the proposed nursery part of the site shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme for the nursery phase of the approved development have been submitted to and approved, in writing, by the local planning authority. 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.

34) The proposed vehicle access and new road junction into the site from Kenn Road shall be constructed in accordance with the submitted and approved detail shown on the Tree Protection Plan and Arb Method Statement plan, drawing number 04907 TPP. AMS, (Access Road) dated 29 June 2020 as approved by the Local Planning Authority on 22 March 2021 under Local Authority reference 21/P/0526/AOC. The construction detail and surface finish of the proposed access road into the site, together with the root and tree protection measures associated with the construction of the access road, shall furthermore be implemented strictly in accordance with the approved plans, unless otherwise subsequently agreed by the Local Planning Authority in writing.

35) The proposed access road into and out of the site from Kenn Road shall be completed in accordance with the approved plans prior to the occupation of the first of the approved apartments, or the commencement of the use of the children's nursery whichever is the earlier.

36) The car parking areas shall be constructed in accordance with the approved plans with the individual spaces clearly line marked prior to first occupation of the two respective approved buildings.

37) The development hereby approved shall not be brought into use until covered cycle parking provision has been constructed in accordance with details approved under local authority reference 21/P/2774/AOC as listed below:

173707-SO-05-AC-168 - REV P01 Site Plan - Planning for cycle provision;

SO-2501-S5-AC-362 - C02 - MMS Services;

SO-2509-05-LA-002- General Arrangement;

SO-2509-05-LA-006-Seating & Street Furniture.

The approved structures shall always thereafter be maintained in good accessible condition, in the future.

38) Details of the proposed vehicle and pedestrian gates, including means of operation and management of the gates (including security of the site), shall be submitted to and approved by the local planning authority prior to installation. The approved gates and any associated control mechanism to each gate shall thereafter be installed and in the future operated in the agreed managed form to the satisfaction of the local planning authority, unless otherwise agreed in writing.

39) The development and bringing into use of the retirement phase of the development shall be carried out in accordance with the submitted Travel Plan details, Drawing No. 100.0006TP6 Oct 2019, as approved on 22 March 2021 under Local Authority reference 21/P/0526/AOC. Development of the approved nursery building phase shall not be brought into use until a Travel Plan for this development phase of the site has been submitted to and approved by the Local Planning Authority in writing. The submitted Travel Plan shall include initiatives to promote active and sustainable travel from first occupation and within the time frame specified within the travel plan.

40) The development shall not take place except in strict accordance with the measures detailed in Section 5.2 and 5.3 of the Reptile Report and prepared by WYG dated October 2018.

41) The construction of the retirement development hereby approved shall be carried out in accordance with the submitted Ecological Management Plan V4 030321 comprising boundary habitats and slow worm mitigation areas, and also in accordance with the five year Landscape Management Plan - G , both as approved by the Local Planning Authority on 11 March 2021 under Local Authority reference 21/P/0201/AOC. No development on the construction of the proposed Nursery building shall commence until an Ecological Management Plan for boundary habitats and slow worm mitigation areas has been submitted to and approved by the Local Planning Authority. This should include an ecological work plan schedule for a period of 5 years. This must also include retention of trees, boundary and buffer native/fruited tree and shrub planting, grassland/wildflower seeding and wildlife management of buffer habitats.

42) No phase of development above dampproof course level shall take place until details of all external lighting, including location, height, type and means of support / fixing together with a lighting plan for that phase has been submitted to and approved by the Local Planning Authority. The submitted detail should include periods of illumination and seek to avoid lighting above 0.5 Lux on boundary trees, hedgerows and other boundary habitats. The agreed lighting shall thereafter be installed and maintained in accordance with the approved plans / details.

43) The development shall, unless otherwise agreed by the Local Planning Authority in writing be carried out in accordance with the submitted Clevedon Bat Emergence survey _030719V2 Final, as approved in writing by the Local Planning Authority on 11 March 2021 under Local Authority reference 20/P/3053/RDC.

44) The development hereby approved shall be carried out in accordance with the submitted Construction Environment Management Plan (CEMP), reference V4 030321, as approved in writing by the Local Planning Authority on 11 March 2021 under Local Authority reference 21/P/0201/AOC. Measures identified within the CEMP shall be taken to avoid and mitigate harm to legally protected species and

Section 41 species and wild mammals and shall include provisions for such species if they are found during construction. Works shall be implemented in strict accordance with the approved methodology.

End of Conditions