

NOTICE OF DECISION

Town and Country Planning Act 1990



Mr M Hanslip
25 Homefield
Locking
Weston-super-Mare
BS24 8EA

Application Number: 18/P/2487/CCA

Category: Change of Use
Prior Approval
Class C

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 3, Class C

Application No: 18/P/2487/CCA
Applicant: Mr M Hanslip
Site: 53A Oxford Street, Weston-super-mare, BS23 1TR,
Description: Prior approval for a change of use of ground floor from use as a shop (class A1) to use as a restaurant and cafe (class A3)

I am authorised on behalf of this council to inform you that **prior approval is required and is hereby granted** for the development set out above.

The development must be undertaken in accordance with the relevant conditions, limitations and restrictions in Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, including those identified below, and any additional conditions imposed by the Local Planning Authority.

Conditions:

- 1 The development hereby permitted must be begun within three years of the date of this decision.

Reason: In accordance with Condition C.2(3) of Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The development must be carried out in accordance with the details hereby approved.

Reason: In accordance with paragraph W(12)(a) of Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3 The use hereby permitted shall not be commenced until space and facilities for the

separate storage and collection of waste and recycling materials have been provided in accordance with the approved plans and specifications. The said space and facilities shall thereafter shall be made permanently available for the storage and collection of waste and recycling materials only in connection with the use hereby permitted.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with Paragraph 7 and Section 11 of the NPPF.

Advice notes:

- 1 Please note that, under these procedures, planning permission is granted by the legislation (the abovementioned Order) and not by the Local Planning Authority (LPA). Planning permission granted in this way is called 'permitted development'. The LPA's role is to determine whether 'prior approval' is required, or should be granted, for certain aspects of the 'permitted development'. The subject matter to be considered by the LPA is specified in the Order. Any decision made by the LPA as to whether prior approval is required or granted must not be taken as confirmation that the development has planning permission (ie: that it is 'permitted development'). It is an applicant's responsibility to determine this. Whilst we make every effort to determine whether a proposal constitutes 'permitted development', it is not always possible to reach a conclusion as we are not always furnished with the necessary information. If you are in any doubt, or would prefer to have formal confirmation that your proposal constitutes 'permitted development' and would be lawful if carried out, you may apply to us for a formal determination by submitting an application for a [Lawful Development Certificate](#). Such an application must be accompanied by evidence to confirm that each relevant 'permitted development' rule would be complied with (and therefore should be made *after* having obtained prior approval). The Government's [Planning Practice Guidance](#) explains 'permitted development' rights in more detail and provides links to the abovementioned Order.
- 2 Further to the above advice note, the applicant is advised that there is no planning history indicating that planning permission has been granted for the use of these premises for retail purposes. The applicant is strongly advised, therefore, to formally establish the existing lawful use of the premises prior to commencing the change of use.
- 3 The plans/documents that were formally considered as part of this decision are as follows:

COVERING LETTER 20th February 2018
LOCATION PLAN & PROPERTY DETAILS
EQUIPMENT DETAILS

Please refer to the additional advice notes overleaf.

Date: 17 April 2018

Signed:

A handwritten signature in black ink, appearing to read 'Paul Cross', written in a cursive style.

Director of Development & Environment

Please use our [online contact form](#) on our website at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

NOTES RELATING TO A PRIOR APPROVAL DECISION

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

As explained above, please note that this decision only grants 'prior approval' under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It does not constitute a formal and binding determination that the proposed development is lawful (ie: that it is 'permitted development'). If you require formal confirmation that the development constitutes 'permitted development' and would be lawful if carried out, it will be necessary for you to submit an application for a [Certificate of Lawful Use](#).

This decision 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 any 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

Development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is subject to conditions. They are an integral part of the decision and are important because they describe how the legislation requires you to carry out the approved use/development. It is your responsibility to comply fully with them.

Appeals

If you are aggrieved by imposition of any of the conditions, 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 the conditions, you must do so within 6 months of the date of this notice. Appeals must be made using a form which you can obtain 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.

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-ordinated 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 granting of prior approval 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 seek approval **before** starting the works because, to qualify for permitted development, you must apply to the Local Planning Authority '*before beginning the development*' and must then await its decision (or wait for the statutory period to elapse without a decision). Changing the plans without gaining approval first is likely to result in permitted development rights for the development being lost.

Enforcement

The council has powers to enforce compliance with planning legislation and there are penalties for failure to comply. In cases where terms and conditions of planning permission granted by a Development Order 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 particular, please note that non-compliance with the conditions, limitations and restrictions set out in the abovementioned Order is likely to result in permitted development rights being lost.

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.