

NOTICE OF DECISION

Town And Country Planning Act 1990



Miss Natasha Gallimore
1 Station Road
Cullingworth
Bradford
BD 13 5HN
United Kingdom

Application Number: 20/P/1477/FUL

Category: Full application

Application No: 20/P/1477/FUL
Applicant: Ms Samantha Clarkson
Site: Unit 2, Market Industrial Estate, Market Industrial Estate Road, Yatton
Description: Retrospective change of use from class B1: Light Industrial use to class E (cafe) and hot food takeaway (sui generis).

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS PERMISSION** for the above development in accordance with the plans and particulars received and subject to the following condition(s):-

- 1 The cafe and takeaway hereby permitted shall cease on or before 2 October 2022.

Reason: Permission has been granted on a temporary basis in accordance with policy CS20 of the North Somerset Core Strategy, Policies Policy DM47 of the North Somerset Sites and Policies Plan, Part 1, and SA4, SA5 and SA6 of the Sites and Policies Plan Part 2 (Site Allocations Plan) in order to safeguard the B1 light industrial use of Unit 2 Market Industrial Estate and the greater wider economic benefit associated with manufacturing and research.

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

Site location plan drawing no. EX01 rev A dated June 2020
Site plan drawing no. EX02 rev A dated June 2020
Existing Elevations drawing no. EX04 dated June 2020
Amended floor plans drawing no. EX03 rev B dated 18 August 2020
Amended proposed elevations drawing no. P01 rev B dated 18 August 2020
Parking survey dated 18 September 2020
Amended Planning Statement dated 18 August 2020
Parking and waste plan dated 2 October 2020.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall be used as a shop falling within Class E and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises as the use of the premises as the cafe and takeaway has been granted approval under special circumstances to safeguard jobs and to utilise the unit on a temporary basis and to ensure the unit will be available for B1 use at the end of the temporary period and in accordance with policy CS20 of the North Somerset Core Strategy and policies DM47 of the North Somerset Sites and Policies Plan (Part 1) and SA4, SA5 and SA6 of the Sites and Policies Plan Part 2 (Site Allocations Plan).

- 4 The takeaway hereby permitted shall not take place before 8:00 hours or after 21:00 hours Monday to Sunday and the cafe shall not take place before 8:00 hours and 17:00 hours Monday to Sundays.

Reason: To prevent undue disturbance to nearby residents and in accordance policy CS3 of the North Somerset Core Strategy.

- 5 The provision of 9 no. parking spaces as shown shaded in grey on drawing no. EX02 rev B dated 2 October 2020 shall be made available at all times for parking in association with the development hereby approved and shall be retained at all times thereafter.

In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

- 6 The space for the separate storage and collection of waste and recycling materials shall be carried out in accordance with the approved plans. The said space 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 policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

Advice Notes(s):

- 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 Access for disabled people - public access: As the proposal involves a building to which the public are to be admitted, whether on payment or otherwise, your attention is drawn to the duties set out in the Equality Act 2010 and to the physical design guidance, British Standards Institution Code of Practice BS 8300-1:2018 Design of an accessible and inclusive built environment - External Environment and BS 8300-2:2018 Design of an accessible and inclusive built environment - Buildings. Detailed guidance on a range of issues can be found on the council's website: www.theaccessofficer.n-somerset.gov.uk.

Date: 5 October 2020

Signed: Richard Kent
Head of Development Management

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

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.

Protected species

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally or recklessly disturb a protected species while it is occupying a place which it uses for shelter or protection. This includes, for example, bats or birds in roof spaces or cavities. Obtaining planning permission does not grant permission to disturb protected species. Licences can, however, be issued to allow construction works that would otherwise be prohibited. Applications for licences should be made to Natural England before any construction works commence on site.

Prepare for floods

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

Works which affect a Public Highway

Any works/events carried out by or for a developer which affects the public highway in any way must be co-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 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: stnames@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.