

NOTICE OF DECISION

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Indigo Planning Limited
Swan Court
Worple Road
Wimbledon

Application Number
Category

16/P/1593/LB
Listed Building Consent

Application No: 16/P/1593/LB
Applicant: CNM Estates (Birnbeck) Ltd
Site: Birnbeck Pier, Birnbeck Island, Birnbeck Road, Weston-Super-Mare, BS23 2BN
Description: Listed building consent for partial demolition of the North Jetty to remove walkway and 5no. trestle piers

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

- 1 The demolition hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 18 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

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

18960013/01 -Site Location Plan - received 08/07/16

18960013/1 - Birnbeck Pier North Jetty - received 08/07/16

18960013/2 - Birnbeck Pier North Jetty - received 08/07/16

18960013/3 - Birnbeck Pier North Jetty - received 08/07/16

Figure 2 - Birnbeck Pier Complex Site Plan - received 08/07/16

Proposed Site Access - received 13/09/16

Birnbeck Pier -North Jetty Structural Inspection - received 08/07/16

Birnbeck Pier - North Jetty Heritage and Design and Access Statement - received 08/07/16

Demolition and General Site Maintenance Method Statement (revised) - received 13/10/16

Habitats Regulations Assessment - received 26/09/16

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

- 3 Prior to and during demolition a photographic, written and drawn record of the structure shall be carried in accordance with Historic England's Building Recording level 4 and submitted to the Local Planning Authority within 2 months of the commencement of

demolition works.

Reasons: In accordance with the provisions of Section 8 Paragraph 2 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

- 4 Prior to the commencement of demolition details of how the pockets are to be retained following the removal of the jetty deck from the island shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details.

Reasons: For the correct conservation procedure in regard to safeguarding the remaining historic asset.

- 5 Prior to the commencement of demolition a method statement providing details of the proposed procedure and manner of removal of the bolts connecting the deck to the island and landing stage shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved method statement.

Reasons: For the correct conservation procedure in regard to safeguarding the remaining historic asset.

- 6 Prior to the commencement of demolition a method statement providing details of how the remaining post of the original wooden jetty and the remains of the original splash pool are to be protected shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved method statement.

Reasons: To ensure the survival of what remains of the original features of the heritage asset for future generations to have a clear understanding of this listed structure's history.

- 7 The development shall proceed in accordance with the measures outlined in the 'Screening Matrix for Habitats Regulations Assessment, Birnbeck Pier, Weston-super-Mare, 01.09.16' and shall also incorporate the Monitoring Strategy as set out in under 'Disturbance to Key Species, pg9-10'.
If amendments to the report recommendations are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reasons: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended) and North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Advice note(s)

Date:13/10/2016



Signed
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 DECISION TO APPROVE 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 will almost always need to obtain separate approval under [Building Regulations](#). For this purpose we have also enclosed with this decision notice information about how to submit your Building Regulations application.

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. When sending us information please include the decision reference number and relevant condition number.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to impose any of the conditions (or to only approve part of an application for Advertisement Consent), 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 your local planning authority's decision then you must do so **within 6 months** 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.planningportal.gov.uk/pcs.

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.

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 month's 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.

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 1TG; Tel: 01934 634943; email: strnames@n-somerset.gov.uk.

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.gov.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request.

Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning.

