

NOTICE OF DECISION

Planning (Listed Building and Conservation Areas Act) 1990



Jones Lang LaSalle Limited
30 Warwick Street
London
W1B 5NH

Application Number: 20/P/1784/LBC

Category: Listed Building Consent

Application No: 20/P/1784/LBC
Applicant: CNM Estates (Birnbeck) Limited
Site: Birnbeck Pier, Birnbeck Island, Birnbeck Road, Weston-super-Mare
Description: Listed Building Consent application for immediate works relating to Repairs Notice consisting of: Section 4 (part)- Ensure appropriate surveys and inspections are undertaken; Section 7 - Arrange for temporary bracing frames to be secured to trestle legs to provide additional stability to trestle legs during repairs. This may include scaffolding construction for temporary bracing frames, subject to contractor design, or fabrication of bespoke temporary bracing frames that can be more readily moved between frames as repairs progress; Section 8- Remove deck boards. Cast iron seat components, lamp posts and all associated materials. Arrange for these to be transported to an offsite facility for logging, assessment and repair, or reconstruction depending upon condition; Section 11 (part) - Remove the principal deck level spider bracing; Section 13 - Remove the trestle perimeter and internal bracing member. All trestle bracing should be removed and transported to an offsite facility for repair or reconstruction

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 conditions:

- 1 The making safe works and recovering of elements as specified in the approved documents as set out in condition 2 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 development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Design and Access Statement dated 23/07/2020
Heritage Statement (Revised) dated December 2020
Update Habitats Regulations Assessment dated 09/2020

Revised Method Statement 002 dated 16/12/2020

Site plan and site location plan: 13651-HOP-05-XX-DR-S-001.S2.P4

Existing arrangements elevations and sections: 13651-HOP-05-XX-DR-S-002.S2.p4

Existing details: 13651-HOP-05-XX-DR-S-003.S2.P3

Existing bracing plan with schematic elevations: 13651-HOP-05-XX-DR-S-0007-S2-P1

Existing arrangement balcony plan and section: 13651-HOP-05-XX-DR-S-004.S2.P2

Proposed detail 1 of 2: 13651-HOP-05-XX-DR-S-005.S2.P2

Proposed detail 2 of 2: 13651-HOP-05-XX-DR-S-S006.S2.P1

Proposed abutment details: 13651-HOP-05-XX-DR-S-0006-S2-P2

Proposed sequencing: 13651-HOP-05-XX-DR-S-S001.S2.P6

Proposed approach to making safe works: 13651-HOP-05-XX-DR-S-S002.S2.P4

Honeycomb Worm Rapid Assessment and working Method Statement, dated October 2020

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

- 3 The development shall take place in accordance with the submitted Honeycomb Worm Rapid Assessment and working Method Statement.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017/the Wildlife and Countryside Act 1981 (as amended)/The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1)

- 4 No works shall commence until the Local Planning Authority has been given a minimum of seven days prior notice of the intention to start work.

Reason: The Local Planning Authority wishes to programme its staff resources to enable monitoring and recording of the building works and in accordance with part I of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraph 199 of the National Planning Policy Framework, policy CS5 of the North Somerset Core Strategy and policy DM4 of the North Somerset Sites and Policies Plan (Part 1). Notice is required before works commence so that the Local Planning Authority may carry out any recording and monitoring from the outset.

- 5 The applicant shall give access to any Council Officer together with any consultants (which have been appointed by the Council or Historic England) or officer of Historic England which the Council considers should be given access for the purpose of recording the works or finds and advising the Council on any technical matters that relate to the historic and architectural value of the Pier and the impact of the works. If any Council Officer, consultant or Officer of Historic England requires access in accordance with this, a minimum of 24 hours notice including the nature and purpose of the visit / inspection shall be given by the Council.

Reason: The Local Planning Authority wishes to have access to the property throughout the period of building works to monitor, advise and record and in accordance with part I of the Planning (Listed Buildings and Conservation Areas) Act

1990 (as amended), paragraph 199 of the National Planning Policy Framework, policy CS5 of the North Somerset Core Strategy and policy DM4 of the North Somerset Sites and Policies Plan (Part 1). The notice period ensures those accessing the site can be adequately inducted on the site Health & Safety procedures.

- 6 All material removed from the pier shall be recorded and stored in accordance with the approved recording policy (set out in the Method Statement) and that record shall be submitted to and approved in writing by the Local Planning Authority. The protective measures shall be implemented and kept in place in accordance with the approved details for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

- 7 No material shall be removed or disposed of from the site or the agreed secure offsite storage facility before first being inspected and agreed in writing by the Local Planning Authority.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

- 8 No temporary stabilisation measures shall be installed until temporary works designs and drawings at a suitable scale with details not less than 1:20 indicating the proposed stabilisation works have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Should emergency measures be required (associated with management of the dangerous structure) remedial proposals shall be developed by a suitably qualified Chartered Engineer and the Local Planning Authority shall be kept informed of proposals and notified within 48 hours.

Reason: To maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to installation in order to safeguard the architectural and historic interest of the Listed Building.

- 9 No bracing shall be installed until detailed working drawings at a scale of not less than 1:20 showing the proposed bracing have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall be carried out in

accordance with the approved details.

Reason: To maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to installation in order to safeguard the architectural and historic interest of the Listed Building.

- 10 No trusses shall be installed until detailed working drawings at a suitable scale with details of not less than 1:20 showing the proposed trusses have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to installation in order to safeguard the architectural and historic interest of the Listed Building.

- 11 Prior to the commencement of the relevant part of development, the following details, as shown on Drawing Reference: 13651-HOP-05-XX-DR-S-0005-S2-P2, shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the development shall be carried in accordance with the approved details.

- i). The proposed works to the spreader beam as shown in Detail G;
- ii). The works relating to Detail A;
- iii). The works relating to Detail B.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to refurbishment in order to safeguard the architectural and historic interest of the Listed Building.

- 12 No stone cleaning shall take place before details of method submitted to and approved, in writing, by the Local Planning Authority.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

- 13 If works are required to be carried out under stage 2a (as identified by drawing

reference 13651-HOP-05-XX-DR-S-S001-S2-P6), prior to commencement of those works, a report shall be submitted to, and approved, in writing by the Local Planning Authority documenting the site assessment of iron deck beams and trusses detailing the necessity for the removal on these together with a plan and timetable to ensure their replacement. The approved works must thereafter be carried out in full within the approved timeframe unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

- 14 Following completion of each bay (defined as each phase of works, as shown on Drawing No. 13651-HOP-05-XX-DR-S-S002-S2-P4 (Proposed Approach to Making Safe Works)), no further works are to take place until the Local Planning Authority and Historic England have inspected the completed works and the Local Planning Authority has provided written confirmation that works can continue.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

Advice Notes:

- 1 Natural England Mitigation Licence: Please note that a relevant Natural England licence must be approved before works which are likely to lead to an offence under the Conservation of Habitats and Species Regulations 2017. To proceed without a licence in this case would be likely to result in a criminal offence.

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

Date: 18 February 2021
Signed: Richard Kent
Head of Development Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) 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 CONSENT

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 Listed Building Consent 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.

Applications to discharge planning conditions received from 1st January 2021 will be made available on our website for public inspection. This includes the name, address and contact details of the applicant and their agent. When applying to discharge a planning condition, you should consider very carefully what information about yourself and others you send us. If you do not want information or documents in your application to be shown on our website, please contact us directly when you make your submission so that we can consider your request. The default position is however to make the information public and an exception to this will not normally be agreed.

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: strnames@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.