

## Department for Environmental and Community Services

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### Application for a Lawful Development Certificate for a Proposed Use or Development

#### Town and Country Planning Act 1990 (as amended)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)  Northing (y)

Description

## Applicant Details

### Name/Company

Title

Mr

First name

Binh

Surname

Nguyen

Company Name

### Address

Address line 1

14B Forest Road

Address line 2

Kingswood

Address line 3

Town/City

Bristol

County

Country

Postcode

BS15 8EG

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Fax number

Email address

## Agent Details

Name/Company

Title

First name

Surname

Company Name

## Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

## Contact Details

Primary number

\*\*\*\* REDACTED \*\*\*\*

Secondary number

Fax number

Email address

\*\*\*\* REDACTED \*\*\*\*

## Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

Yes

No

Does the proposal consist of, or include, a change of use of the land or building(s)?

Yes

No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Proposed use as a Nail Bar, Class E

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

Existing use is a vacant Hair & Beauty Salon - Class E, previously Thomas Matthews

Has the proposal been started?

Yes

No

## Grounds for Application

### Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The existing use of the ground floor premises falls within Class E, and the change of use from a vacant Hair & Beauty Salon to a new Nail Bar falls within the same use class and would therefore not require planning permission.

A pre-application Use Class Enquiry, your ref ENQ23/0583, letter from Mrs Helen Turner confirms that the last 'lawful' use of the Ground Floor of 15 Regent Street, Kingswood was Class A1 Use.

However, Class A was revoked from 1 September 2020. Class A 1/2/3 were effectively replaced with Use Class E(a,b,c).

• A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes

Class E - Commercial, Business and Service

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
  - E(c)(i) Financial services,
  - E(c)(ii) Professional services (other than health or medical services), or
  - E(c)(iii) Other appropriate services in a commercial, business or service locality

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

01 Block Plan  
02 Existing Plan and Elevation  
03 Proposed Plan and Elevation  
04 Photographs  
Estate Agents Brochure  
ENQ23 0583 Use Class Enquiry (Planning Letter)

Select the use class that relates to the existing or last use.

E(c)(iii) - Other appropriate services in a commercial, business or service locality

#### Information about the proposed use(s)

Select the use class that relates to the proposed use.

E(c)(iii) - Other appropriate services in a commercial, business or service locality

Is the proposed operation or use

- Permanent  
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Although the pre-application Use Class Enquiry letter from Mrs Helen Turner recommended that Planning Permission would need to be obtained to lawfully change its use to Sui Generis Use, Nails Bars are no longer within the Sui Generis Use Class.

Under Schedule 2, part A of the Town and Country Planning (Amendment) (England) Regulations 2020, Class E included categories within Commercial, Business and Service uses, and is defined as the provision of the following kinds of services principally to visiting members of the public:

(c) for the provision of the following kinds of services principally to visiting members of the public—

- (i) financial services,
- (ii) professional services (other than health or medical services), or
- (iii) any other services which it is appropriate to provide in a commercial, business or service locality

The proposed Nail Bar is considered to fall under part (iii) of the class use, as it would provide a service principally to visiting members of the general public locally. Therefore there would be no material change of use from the existing vacant Hair & Beauty Salon (or previous lawful Class A1 Use), and the change of use would not require planning permission.

The change of use does not fall within the 'meaning of development' requiring planning permission as defined by Section 55 of the Town and Country Planning Act 1990.

### Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
- No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

### Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
- No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

ENQ23/0583

06/11/2023

Details of the pre-application advice received

RE: Ground Floor 15 Regent Street, Kingswood, BS15 8JX – Use Class Enquiry

Many thanks for your email(s) of 23 and 25 October 2023, with regards to the above enquiry via our Planning Support colleagues. Having now had an opportunity to investigate the above premises via a history search, and in relation to your original enquiry of its Use Classes Order, we can confirm that the last 'lawful' use of the Ground Floor of 15 Regent Street, Kingswood is Class A1 Use. With this in mind, we would recommend that Planning Permission would need to be obtained to lawfully change its use to Sui Generis Use.

We would point out that the above comments represent the opinion of an Officer of the Council and would not commit the Council to any future decision should an application be submitted

Yours sincerely

Mrs. Helen Turner  
Assistant Planning Officer

### Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

### Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

\*\*\*\*\* REDACTED \*\*\*\*\*

### Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Leith Kerr

Date

2023/11/22