

North Somerset Council
Town Hall
Walliscote
Grove Road
Weston-super-Mare
BS23 1UJ

30 November 2023

Dear Sir or Madam,

RE. Land at 1 Warren Lane, Long Ashton, BS41 9DA

Implementation of Application 20/P/2145/FUL

We write regarding the above referenced site to submit a certificate of lawful development application in respect of development approved under planning permission **20/P/2145/FUL**.

The purpose of this application is to agree works that constitute a material start to the approved residential re-development of the application site. A condition discharge application was recently approved under ref. **23/P/2116/AOC**, and the development is ready to be started.

To implement the works the applicant intends to demolish the extant garage (see **Figure 1**), required to gain access onto the approved development site and to facilitate the approved vehicular access servicing the approved dwellings (see Conditions 14 and 15). The garage to be demolished is shown on the approved site plan (ref. **3250_PA 105 Rev C**), which is submitted with this application for reference.



Figure 1 – Existing Garage at 1 Warren Road show highlighted orange.

Section 56 of the Town and Country Planning Act 1990 (as amended) confirms at subsection 2 that *“development shall be taken to be begun on the earliest date on which **any material operation comprised in the development begins to be carried out**”*.

Subsection 4 of Section 56 of the Town and Country Planning Act 1990 (as amended) states:

“In subsection (2) “material operation” means—

(a)any work of construction in the course of the erection of a building;

(aa)any work of demolition of a building;

(b)the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c)the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d)any operation in the course of laying out or constructing a road or part of a road;

(e)any change in the use of any land which constitutes material development.”

Proposed Works

The works to implement the aforementioned planning permission comprise:

1. Demolition of extant garage.

1. Demolition of extant garage

The enclosed plan shows the proposed demolition of the existing garage to make way for the access to the agreed housing and is an essential component in facilitating the scheme approved by planning permission **20/P/2145/FUL**.

The approved development requires demolition of the garage to facilitate access and to comply with Conditions 14 & 15 of the planning permission. As such, if demolished, it would therefore constitute a material operation in implementing planning permission **20/P/2145/FUL**, with regard to subsection 2(aa) of Section 56 of The Act.

Implementation

Can the LPA please confirm that in granting this certificate of lawful development, if the garage demolition works described above and as shown on approved plan ref. **3250_PA 105 Rev C are completed** (s56(2)), prior to the three-year expiration date of the decision notice (**1 April 2024**), that planning permission **20/P/2145/FUL** will be implemented, and the development works can be completed at any time afterwards in perpetuity.

We look forward to hearing from you once the application has been validated.

Should you require any further information please do not hesitate to contact us.

Yours faithfully

Ben

Ben Ponting MRTPI
Planning Consultant

T. 0117 244 8465
e. ben@dexterdesigns.co.uk
w. www.dexterdesigns.co.uk