Planning Decision – variation to condition 4 of Planning Permission (see Appendix F) (for information only)

Growth & Infrastructure - Planning and Building Consultancy
Borough of Poole, Civic Centre, Poole, Dorset, BH15 2RU

Tel: (01202) 633321 Fax: (01202) 633345
Email: planning@poole.gov.uk Web: www.poole.gov.uk/planning-and-buildings/

Application No: APP/18/01105/F

TO:

Mrs Adby
Culture and Community
Borough of Poole
Upton House
Upton Country Park
BH17 7BJ

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (General Permitted Development) (England) Order 2015

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, by-law, order or regulation (eg in relation to Building regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Applicant: Mrs Adby
Case Officer: Eleanor Godesar
Det Level: Planning Committee

Location of Development:

Pavilion, Whitecliff Recreation Ground, Sandbanks Road, Poole, BH14 8DB

Description of Development:

Variation of Condition 4 of Planning Permission APP/17/01146/P to allow increased opening hours.

In pursuance of their powers under the above mentioned Act, The Borough of Poole Planning Authority HEREBY GRANT PLANNING PERMISSION for the development described above in accordance with the details given in the application numbered above.

Signed

Planning and Regeneration Manager
Date of Decision: 19/11/2018

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Subject to the following condition(s):-

1 Planning permission is granted for alterations and extension to existing building to improve current sports changing facilities, public toilets and café at Pavilion, Whitecliff Recreation Ground in accordance with the terms of the application ref. APP/17/01146/P, dated 3 October 2017, without compliance with Condition no. 4 previously imposed on planning permission ref. APP/17/01146/P but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

4. The use hereby permitted shall not operate other than between the hours of 07:00 and 18:00 daily during the period from 1st October to 31st March in any given year and between the hours of 07:00 and 21:00 daily during the period from 1st April to 30th September in any given year, other than that no deliveries shall be taken at or despatched from the site other than between the hours of 08:00 and 18:00 on Mondays to Saturdays inclusive, and 09:00 and 17:00 on Sundays, Bank and other national Public Holidays.

Reason -
In the interest of the amenities of nearby residents and to ensure that the proposed uses are ancillary to the recreational use of the Whitecliff Recreation Ground and enhance its recreational function, in accordance with the provisions of Policies PP1, PP24 and PP25 of the Poole Local Plan (adopted November 2018).

Informative Note(s):-

1. In accordance with the provisions of paragraphs 38 of the NPPF the Borough of Poole (BoP) takes a positive and creative approach to development proposals focused on solutions. BoP work with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:
- in this case the applicant was advised of issues after the initial site visit
- the application was considered and approved without delay

Please see Additional Information/Notes below

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990
- If this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice
- If an enforcement notice is served relating the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement, if you

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want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If you want to appeal against your local planning authority's decision [excluding householder applications and advertisement applications] then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: https://www.gov.uk/planning-inspectorate.
  If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can now allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Additional Information/Notes

- These notes DO NOT apply to Decisions for Work on Protected Trees.
- Your planning application has been determined and the Decision Notice is above these notes.
- These notes are intended as helpful advice before you proceed further. PLEASE READ THEM CAREFULLY.
- Keep the decision safely - it may be needed when you sell your property.
- Make sure everyone has a copy who needs it. Most importantly make sure your builder or contractor has a copy to work from on the site.

PLANNING PERMISSION GRANTED?
Conditions:

- If permission has been granted you will see that it maybe 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 which have to be met before work commences, such as obtaining approval for the siting and levels of buildings and the protection of trees on the site.
- If you do not comply with all the conditions in full this may invalidate the permission.

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Informative Notes:

- Informative Notes do not form part of the Decision itself but are included as helpful advice and guidance.

OTHER LEGISLATION:

- This Notice is a decision under the Planning Acts only. It should not be taken to imply that the scheme meets the requirements of any other Agency which 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.

Changes to Plans:

- Should you wish to change your plans for any reason, including the need to meet requirements of other legislation, it is important that you notify the Local Planning authority before carrying on with work. Many amendments can be quickly agreed but more substantial ones may require a fresh application and could even prove to be unacceptable.