

**REPORT OF DIRECTOR OF PLANNING AND TRANSPORT**

**World of Mowers , 701 Woodborough Road**

**1 SUMMARY**

Application No: 13/01653/PFUL3 for planning permission

Application by: SSA Planning Limited on behalf of KFC (GB) Limited

Proposal: Demolition of existing showroom and workshop and erection of restaurant with drive through facility, car park and amended access.

The application is brought to Committee because it has generated significant local interest.

To meet the Council's Performance Targets this application should have been determined by 2nd September 2013.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

- 3.1 The application site is located just within the City boundary on the north-west side of Woodborough Road and west of the junction with Woodthorpe Drive. It is currently occupied by a single storey lawnmower showroom building ('World of Mowers') with an associated forecourt sales area and customer car parking, and a secure yard area to the rear. There is vehicle access directly into the site off Woodborough Road. There is a secure palisade fence to the rear and further timber and other fencing to the side boundaries. The frontage to Woodborough Road is lined with low planters.
- 3.2 There is a Texaco petrol filling station with a Co-op convenience store to the north-east of the site. There is a covered reservoir and gas valve compound to the south-west. Opposite the site on Woodborough Road are a range of properties that are in mixed residential and business uses. There are further residential properties to the rear of the site, which are beyond an area of woodland and scrub that is referred to as Woodthorpe Drive Open Space.
- 3.3 Planning permission has been previously granted in May 2004 for the erection of a new motorcycle showroom, which has also been renewed in May 2009. Planning permission has also been granted in December 2009 for the erection of a new

warehouse to the rear of the site. Neither of these permissions have been implemented and have now lapsed.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application is for the demolition of the existing showroom and workshop building and the erection of a restaurant with a drive-through facility, car park and amended access.
- 4.2 The proposed restaurant building would be located in a similar position to the existing showroom building. It would be single storey with a gross floor area of 230sq.m. It would have a principal elevation and pedestrian entrance onto Woodborough Road. There would be a drive-through route around the perimeter of the building, and a 22 space customer car park to the frontage and north-east boundary of the site. Deliveries and refuse storage would be provided within the rear portion of the building. The existing palisade boundary fencing to the rear of the site would be replaced with timber fencing to match the side boundaries. Pockets of landscaping would be provided on the frontage of the site to Woodborough Road.
- 4.3 The proposed development is expected to generate local employment opportunities both during the construction and operational phases of the development. The applicant has stated that the restaurant use will create between 30 and 40 jobs, suitable to first and part-time employees.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

The application has been advertised by a site notice. Consultations have also been sent to:

705, 846 – 864(e) Woodborough Road  
11 – 21(o) Wickstead Close

- 5.1 There have been 32 individual responses to consultation. A 30 signature petition has also been received. The responses received raise the following objections to the proposed development:
- Traffic levels and highway safety
  - Noise from customers and anti-social behaviour
  - Litter
  - Food odours
  - Effect on privacy
  - Impact on existing food outlets within the local centre
  - Unsustainable edge-of-centre location
  - General health and well-being

##### **Additional consultation letters sent to:**

**Highways:** No objection. The site is situated at a position where the City and the County both have responsibility for the highway network adjacent to the site. We have aimed to reach agreement with the County over all highway works deemed necessary as part of this scheme. The proposed development would lead to an

increase in turning movements compared to the existing site use and would also increase the numbers of pedestrians attempting to cross the road. A right turn lane is provided in order to mitigate against this road safety issue, reducing the northbound lane to 4.5 metres and the southbound lane to a 4 metre formalised single lane. The County have been consulted and have stated that they have no objections subject to detailed design of the access, pedestrian facilities and road marking details.

**Nottinghamshire County Highways:** (Consulted as neighbouring highway authority). No objection. Having considered the Transport Statement submitted with this application, there will be no material impacts of the development on the existing County's highway network. As such, the County Highway Authority would have no objections to the proposed development subject to the detailed design of the access arrangement together with the proposed pedestrian facilities and associated road marking details. Suggest that a combined (City and County Council) road safety audit to be carried out before commencing any highway works.

**Gedling Borough Council:** (Consulted as neighbouring local planning authority) No objection. City Council to be satisfied that the sequential assessment is satisfactory and acceptable and that the proposal accords with National and Local Plan Policies. Consider that the setting of the building could be improved by leaving some space along the frontage for landscaping including mature trees.

**Pollution Control:** No objection. Applicant should be advised if noise and/or complaints are received that appropriate action will be taken.

**Biodiversity Officer:** Site is adjacent to Woodthorpe Drive Open Space (green corridor). Appears from the site layout proposals that this area of woodland and scrub will not be directly affected by the proposals, as the trees are to be retained. Likewise, it appears that the lighting should not impact on this corridor. Only reservation would be that applicant should have a strategy for dealing with litter issues that could arise.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications.
- 6.3 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

**Nottingham Local Plan (November 2005):**

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

S5 - Retail development, Edge/Outside Centres.

S7 - Food and Drink.

NE2 - Natural Conservation.

NE9 - Pollution.

R1 - The Open Space Network.

T3 - Car, Cycle and Servicing Parking.

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- i) Principle of Development
- ii) Highway Impact
- iii) Impact on Residential Amenity
- iv) Layout and Design
- v) Impact on Ecology
- vi) Health Impacts

**i) Principle of Development (Policies S5 and S7a)**

- 7.1 The application site is located 110m from the Mapperley Plains District Centre (Gedling Borough Council). Policy S5 of the Local Plan states that planning permission for new retail development (other than to meet purely local needs) outside existing centres will only be granted where the need for the development has been demonstrated and where no other suitable sites are available within the nearest local centre. An edge-of-centre site is defined as one within easy walking distance (usually no more than 300m) of the local centre. The application site is, therefore, regarded as being in an edge-of-centre location.

- 7.2 The NPPF recognises drive-through restaurants as main town centre uses. In accordance with policies S5 and S7(a), a sequential assessment has been submitted with the application. This evaluates a total of 17 sites in terms of their availability, suitability and viability for the proposed development. Nine sites are identified within the Mapperley Plains District Centre, one is within the Woodborough Road Local Centre, and seven are at edge or out of centre locations along Woodborough Road between the two centres.
- 7.3 The submitted assessment concludes that there are no suitable alternative sites where the proposed development could be located. The majority are identified as being too small, with others either not being available or at locations that are sequentially less preferable than the application site. Whilst the NPPF requires that applicants should demonstrate flexibility on issues such as format and scale, as drive-through restaurants are noted as main town centre uses, it can be particularly challenging to accommodate them within existing centres. The submitted sequential test demonstrates that there are no sequentially preferable sites for a use of this type. In this regard, the proposal does not conflict with policies S5 or S7(a), or guidance contained within the NPPF.
- 7.4 The requirement to submit a needs test for retail developments on edge-of-centre and out-of-centre sites was removed from national policy in 2010 and therefore this element of policy S5 is no longer relevant in the context of this application. Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard to the following:
- The impact on the vitality and viability of existing centres;
  - The extent to which the site is or can be made accessible by a choice of means of transport and whether the proposal will add to the overall number and length of car trips;
  - Whether the development would assist in enabling the wider redevelopment of brownfield sites for a variety of uses
  - Whether there are alternative sites available which better meet the above criteria
- 7.5 Impact on Existing Centres (policy S5(a))  
The NPPF advises that where there are no local thresholds, the impact test only applies to retail development proposals that exceed 2,500sq.m of gross floorspace. As the proposed development floorspace is below this threshold, there is no requirement to consider the impact on existing Centres. Notwithstanding this, it is considered that the proposed development would not significantly impact on the vitality and viability of the Mapperley Plains District Centre. The site's edge of centre position is within easy and accessible walking distance of this centre where it can be expected that a proportion of customer trips will be linked to those visiting the centre. Whilst it must be anticipated that the higher proportion of trips to the proposed development will be made by car, it is also likely that many of these trips would occur already, either as linked trips to the centre or as commuter trips using Woodborough Road as a primary traffic route into and out of the city.
- 7.6 Accessibility by a Choice of Transport Modes (policy S5(c))  
As stated above, most customers are expected to access the premises by private car, either those drivers already travelling along Woodborough Road, or those driving in or out of the City Centre. The site is located on a good bus route with bus stops nearby. The scheme proposes cycle parking facilities and improvements are proposed to provide improved pedestrian crossing facilities to residential areas on

the opposite side of Woodborough Road. People wishing to visit the site will therefore be able to do so without relying upon the private car. In this regard, the proposal is in accordance with policy S6(c).

7.7 Enabling the Wider Redevelopment of Brownfield Sites (policy S5(d))

The proposed site is an existing showroom site and will therefore make efficient use of brownfield land. While the scheme does not specifically facilitate wider regeneration, the use would be complimentary to the Local Centre and provides the opportunity to improve the site's appearance. In this regard, the proposal does not conflict with the aims of policy S5(d).

7.8 Alternative Sites (policy S5(e))

Being located close to an existing local shopping centre, on a main transport corridor, the site is considered to be suitable for this type of use. No alternative sites have been identified that would be better located and therefore the development does not conflict with policy S5(e).

**ii) Highway Impact (Policy T3 and S5(b))**

- 7.9 Whilst being edge of centre to the Mapperley Plains District Centre, the site is considered to be reasonably accessible by a range of transport modes other than by car. The site is located 110m from the District Centre and can be reasonably accessed by foot. Although Woodborough Road is not best suited to cyclists, as a primary route that links to other parts of the City's cycle network, it is well used. A number of bus services also travel along Woodborough Road and through the District Centre.
- 7.10 The site is located at a position where the boundary for highway responsibility crosses between the City and the County. Both highway authorities have therefore been consulted for their views on the submitted Transport Statement and proposed site access and layout plans. The Transport Statement has been reviewed in order to ensure that impact of the proposed development on the highway is properly assessed and to determine if appropriate mitigation is capable of being provided. The internal layout of the proposed development has also been reviewed in order to reduce conflict and the risk of vehicles affecting highway safety.
- 7.11 It is noted that the proposal would lead to an increase in turning movements compared to the existing site use and would also increase the numbers of pedestrians attempting to cross the road. Whilst there are pedestrian facilities at Porchester Road and Woodthorpe Road, it is also considered that these are not on desire lines to the site.
- 7.12 The proposed revised access arrangements would provide a right turn lane into the site, which would reduce the northbound lane to 4.5 metres and the southbound lane to a 4 metre formalised single lane. A refuge has also been proposed to facilitate pedestrians crossing Woodborough Road. Accordingly, both highway authorities have advised that they have no objection to the revised access arrangements, subject to their detailed design together with the proposed pedestrian facilities and road marking details. Road safety audits are also intended as part of the S278 agreement that would be required for the highway works.
- 7.13 Highways have also advised that the revised internal layout of the proposed development is now acceptable.

- 7.14 It is considered that the revised access and internal layout of the proposed development accords with Policy T3 subject to conditions requiring the detailed design and implementation of off-site highway works.

### **iii) Layout and Design (Policies BE1, BE2, BE3, BE5 and S7(b))**

- 7.15 The proposed restaurant building would be sited in a similar position to the existing showroom building. It would also be of a similar scale to the existing showroom building, both being single storey.
- 7.16 It is considered that the siting and scale of the proposed building is appropriate to its context, with the relatively open frontage to the site being retained and visible landscape backdrop to the site also benefiting the setting of the building. The proposed provision of additional pockets of landscaping along the frontage of the site is also welcomed.
- 7.17 Whilst the proposed building is to the applicant's common design in grey-white and red insulated cladding panels, it is considered that the provision of full-height glazing to the main restaurant front and front/side elevations will provide an appropriate façade to the street. Other elements, such a funnel shaped element to the roof, will add some further street interest.
- 7.18 It is considered that the proposed layout and design of the building accords with Policies BE1, BE2, BE3, BE5 and would not harm the character or general amenity of the area, in accordance with policy S7(b).

### **iv) Impact on Residential Amenity (Policies BE3, S7(d & e) and NE9)**

- 7.19 Policy S7(e) advises that when considering applications for food and drink uses, consideration should be given to the effect of noise, disturbance, anti-social behaviour, smells and litter on the amenities of occupiers and residents.
- 7.20 The application site does not adjoin residential properties. The nearest dwellings are opposite the site on Woodborough Road. Many of these properties are in mixed residential and business uses and the heavily trafficked nature of Woodborough Road already has an impact on their residential amenity. In this context, it is considered that activity associated with the proposed use would not materially vary this situation.
- 7.21 The residential properties to the rear of the site are at much lower level than the application site (approximately 12m lower) and are also separated from the site by a dense copse of woodland trees and scrub (Woodthorpe Drive Open Space). Whilst it is recognised that the operational nature of the proposed drive through restaurant use would introduce a higher level of activity onto the site than at present, it is not considered that the impact of this change would be so significant on these residential properties to warrant rejection of the application on this basis.
- 7.22 Cooking extract fans and ducts to prevent odour nuisance are proposed to be integrated within the design of the rear portion of the building. Pollution Control have advised that they have no objection to the application, with the further comment that any complaints received will be acted upon.
- 7.23 It is considered that the proposed development would not significantly impact upon the amenity of the surrounding residential properties and does, therefore, accord

with Policies BE3, S7(d & e) and NE9. It is proposed that a planning condition be applied to regulate the hours of operation of the restaurant and drive through from 0700 to 2300 hours, and that a litter strategy is also approved and implemented at all times when the proposed development is in use.

#### **v) Impact on Ecology (Policies NE2 and R1)**

- 7.24 The application site is located adjacent to Woodthorpe Drive Open Space (green corridor). The Biodiversity Officer has advised that the open space will not be directly affected by the proposed development and that the development lighting should also not have an impact. In addition to the protection of its ecological benefit, it is also considered that the woodland trees within this open space provide a valuable screen to the site from the neighbouring residential properties to the rear. A boundary fence is also to be maintained to the rear of the site.
- 7.25 The potential for litter to impact upon the quality of the open space and amenity of surrounding residents is noted. As above (7.19), it is proposed that a planning condition requires the submission, approval, and implementation of a litter strategy at all times when the proposed development is in use.
- 7.26 It is considered that the proposed development accords with Policies NE2 and R1.

#### **vi) Health Impacts (NPPF)**

- 7.27 While healthy living is clearly affected by a complex range of factors, the National Planning Policy Framework recognises that the planning system can play an important role in facilitating healthy, inclusive communities. This can be achieved in many ways, for instance, promoting safe and accessible environments, providing clear and legible pedestrian routes and supporting uses that benefit the local community. Some types of food take-away and restaurant uses can be deemed to encourage local people to eat unhealthily and therefore it is important to consider the impacts upon vulnerable members of the community, such as secondary school children, through the planning process.
- 7.28 The nearest secondary school in the area is the Nottingham Academy (Ransom Road), which is approximately 0.6 miles away. Beyond that is the Carlton Academy (Conningswath Road) with Gedling Borough, which is approximately 1.5 miles away. While some of the school children attending these schools may travel to/from school via Woodborough Road, and past the application site, most would use alternative routes or travel by bus / car. While the planning system can never prevent school children from visiting this type of hot food use, this site is not in a location that would encourage children to visit during lunch breaks or on their way home from school. It is therefore considered that the proposal doesn't conflict with the government's objective of promoting healthy communities.
- 7.29 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010**  
In recommending the grant of planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.



## **8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)**

- 8.1 The proposed building incorporates solar panels on its roof for hot water. The provision of additional pockets of landscaping are intended to minimise surface water run-off. Cycle parking provision is made around the entrance to the building.
- 8.2 The applicant has also explained that they provide high performance insulation, intelligent refrigeration controls, cooking oil recycling for delivery vehicle bio-diesel, dual-flush cisterns and waterless urinals.
- 8.3 It is considered that the proposed development accords with Policy BE5.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Working Nottingham: the development will provide local employment opportunities.

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

## **15 VALUE FOR MONEY**

None.

## **16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 13/01653/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01653/PFUL3>
2. Resident, 8 Wickstead Close, 23.7.13
3. Resident, 18 Robinson Road, 23.7.13
4. Resident, 37 Haywood Road, 24.7.13
5. Resident, 30 Haywood Road, 24.7.13
6. Resident, 18 Whittingham Road, 24.7.13
7. Resident, 844 Woodborough Road, 24.7.13
8. Resident, 842 Woodborough Road, 24.7.13
9. Resident, Whittingham Road, 24.7.13
10. Resident, 36 Haywood Road, 24.7.13

11. Resident, 15 Wickstead Close, 24.7.13
12. Resident, 844 Woodborough Road, 25.7.13
13. Resident, 34B Haywood Road, 25.7.13
14. Resident, 23 Haywood Road, 26.7.13
15. Resident, 51 Haywood Road, 26.7.13
16. Resident, 42 Haywood Road, 27.7.13
17. Resident, 42 Haywood Road, 30.7.13
18. Resident, 6 Wickstead Close (petition), 31.7.13
19. Resident, 756 Woodborough Road, 2.8.13
20. Resident, 16 Haywood Road, 4.8.13
21. Resident, 39 Haywood Road, 4.8.13
22. Resident, 932 Woodborough Road, 6.8.13
23. Resident, 44 Haywood Road, 11.8.13
24. Resident, 14 Wickstead Close, 12.8.13
25. Resident, 28 Priory Road, 12.8.13
26. Resident, 12 Belvoir Street, 18.8.13
27. Resident, 2A Whittingham Road, 21.8.13
28. Resident 14 Robinson Road, 22.8.13
29. Resident, 55 Haywood Road, 27.8.13
31. Resident, 9 Sandford Road, 13.9.13
32. Resident, 9 Sandford Road, 16.9.13
33. Resident 5 Robinson Road, 20.9.13
34. Pollution Control, 23.7.13
35. Biodiversity Officer, 29.7.13
36. Gedling Borough Council, 19.8.13
37. Highways, 7.8.13 & 3.10.13
38. Nottinghamshire County Highways, 9.9.13, 20.9.13, & 26.9.13

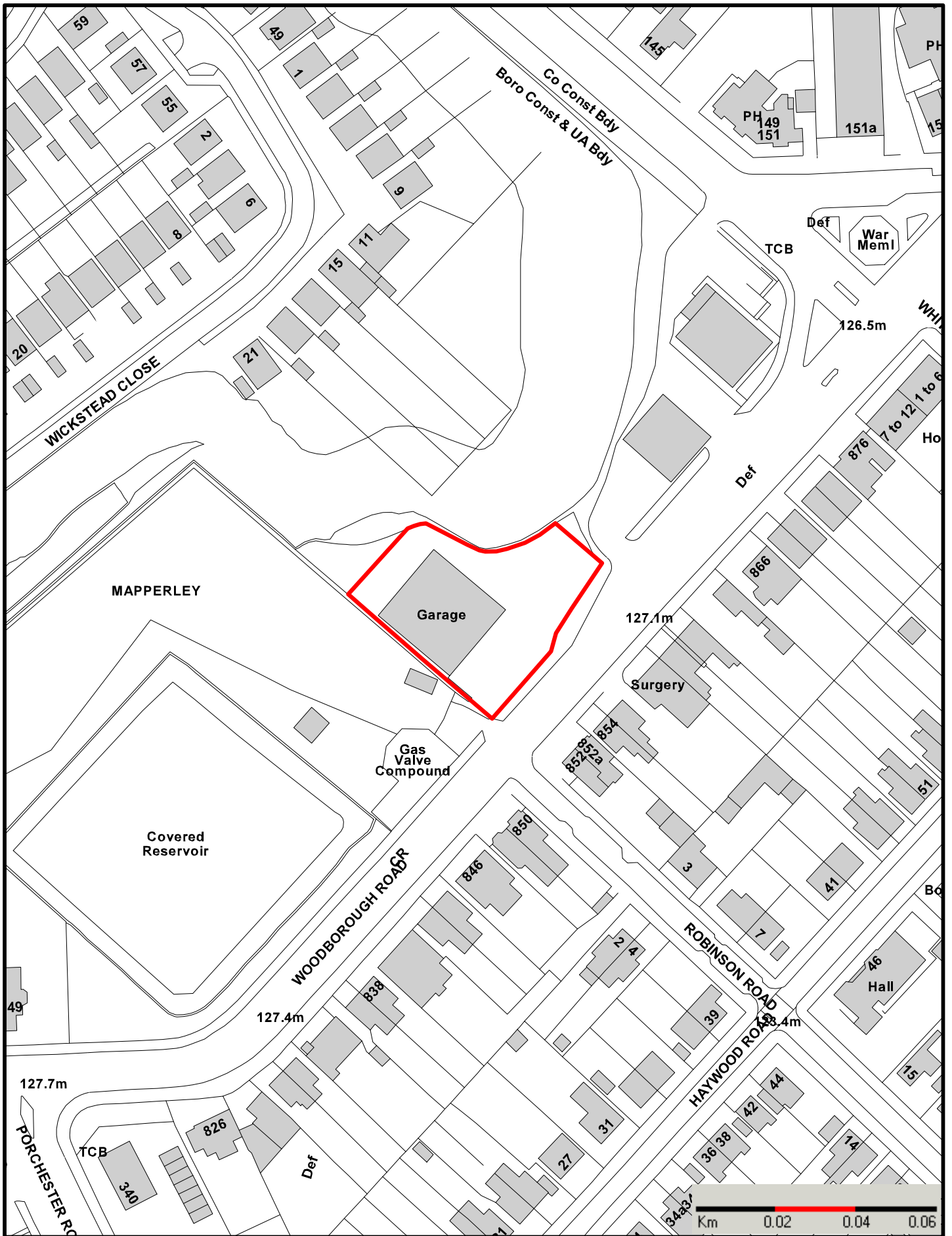
**17 Published documents referred to in compiling this report**

National Planning Policy Framework  
Nottingham Local Plan (November 2005)

**Contact Officer:**

Mr J. Rae, Case Officer, Development Management.

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**Nottingham**  
City Council

**My Ref:** 13/01653/PFUL3 (PP-02737518)  
**Your Ref:**  
**Contact:** Mr J. Rae  
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City Council**

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Mr Steve Simms  
PO Box 10201  
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/01653/PFUL3 (PP-02737518)  
Application by: KFC (GB) Limited  
Location: World of Mowers , 701 Woodborough Road, Nottingham  
Proposal: Demolition of existing showroom and workshop and erection of restaurant with drive through facility, car park and amended access.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. No development shall commence until the detailed design of the off-site highway works included on Drawing NTT/2191/001 Rev.P8, that are required in order to provide appropriate access to the approved development, have been submitted to and approved by the Local Planning Authority.

*Reason: In the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.*

**Pre-occupation conditions**

(The conditions in this section must be complied with before the development is occupied)

3. The approved development shall not be brought into first use until the off-site highway works, which are required to be submitted to and approved by the Local Planning Authority under Condition 2 of this consent, have been implemented in accordance with the approved detailed design.

*Reason: In the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.*

4. The approved development shall not be brought into first use until details of equipment to control the emission of fumes and smell from the premises have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall thereafter be operated, maintained and retained for so long as the use continues.

*Reason: In the interests of the amenity of neighbours to the development and in accordance with Policies S7d) and NE9 of the Nottingham Local Plan.*

5. The approved development shall not be brought into first use until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Nottingham Local Plan.*

6. The approved development shall not be brought into first use until a management strategy for dealing with any litter issues that could arise from the operation of the approved use has been submitted to and approved by the Local Planning Authority. The submitted scheme shall have particular regard to the adjacent Woodthorpe Drive Open Space (green corridor). The approved scheme shall be operated at all times when the approved development is in use.

*Reason: In order to ensure that the amenity of the area and adjacent Woodthorpe Drive Open Space is not affected and in accordance with Policies NE2 and R1 of the Nottingham Local Plan.*

#### **Regulatory/ongoing conditions**

(Conditions relating to the subsequent use of the development and other regulatory matters)

7. The approved restaurant with drive through facility shall not be open to customers outside the hours of 0700 to 2300 on any day of the week.

*Reason: In the interests of amenity of nearby residents and in accordance with the aims of Policies S7e) and NE9 of the Nottingham Local Plan*

8. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Local Plan.*

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Drawing reference 2166/A002  
Drawing reference 2166/A101 revision Rev B  
Drawing reference 2166/A121  
Drawing reference 2166/PL001 revision Rev A  
Drawing reference NTT/2191/001 revision Rev P8  
Drawing reference 2116/A102 revision Rev B

*Reason: To determine the scope of this permission.*

### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

## **RIGHTS OF APPEAL**

Application No: 13/01653/PFUL3 (PP-02737518)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can 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.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.