GEDLING BOROUGH COUNCIL

NOTICE OF PLANNING PERMISSION

TP 2/1 (b)

TOWN AND COUNTRY PLANNING ACT 1990

Application No:2007/1045

Blue Sky Planning
Bourne House
475 Godstone Road
Caterham
CR3 0BL

Applicant: Hammerson Properties Lts
Location : Units 4C & 4D Teal Close Victoria Retail Park
Proposal : Variation of condition 2 on Planning Ref: 2007/0288 for erection of two retail warehouse units servicing and alterations

The Gedling Borough Council having considered an application numbered as above, which application and plans and any relevant correspondence are hereinafter referred to as 'the application' hereby in pursuance of their powers under the above mentioned Act.

GRANT PERMISSION

For the development in accordance with the application, subject to compliance with the following condition imposed for the reason set out below:-

Conditions

1. This permission relates solely to the variation of condition 2 attached to planning permission 2007/0288 in that it shall be 'The goods to be sold from the retail warehouse units hereby permitted shall unless otherwise agreed in writing with the Borough Council not include food and shall consist primarily of building, decorating and home improvement materials and equipment, furniture and floor coverings, garden goods and equipment, car parts, spares and maintenance goods and equipment, caravans, camping equipment and boats, cycles, carpets, electrical goods and equipment, toys, curtains, household textiles, soft furnishings, bedding and light fittings and pet food and pet supplies.' All other conditions attached to 2007/0288 shall remain applicable and of effect.

Reasons

1. To ensure compliance with Policy S12 of the Replacement Local Plan.

Reason for Decision

INVESTOR IN PEOPLE RECYCLED PAPER

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The proposal is in accordance with Policy S12 of the Replacement Local Plan and the condition proposed will ensure that no undue harm to retail centres will result.

Dated: 16th January 2008

Authorised Officer.....

Attention is drawn to the attached notes.

TP 2/1 (a) and (b), 2/3. 2/4

NOTES TO APPLICANT - NOTICE OF PLANNING PERMISSION/APPROVAL

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within **six months** of the date of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provision of the development order, and to any directions given under the order. The Statutory requirements are those set out in sections 78 & 79 of the Town & Country Planning Act 1990, namely sections 70, 71 & 72 of the Act. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

3. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough, London Borough or County District in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is required or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. Your attention is drawn to your responsibility under the Party Wall etc Act 1996. It applies to all properties where building work is carried out on an existing shared wall, where building takes place on the boundary with a neighbouring property or where excavation takes place near a neighbouring building. Compliance with the Act is a private matter, although further details can be obtained from the Department of Planning and Building Control.