

## **PLANNING APPROVAL NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990

### **Approved - Planning application**

**Application No:** W/06/01571/PN

**Parish:** Evesham

**Agents Address:**

Ms P Moss  
RPS Planning  
1st Floor West  
Cottons Centre  
Cottons Lane  
London  
SE1 2QG

**Applicants Address:**

Ambit Trade Centres LLP  
c/o Agent

#### **Part I - PARTICULARS OF APPLICATION**

**Statutory Start Date:** 31/08/2006

**Location:** Evesham Foods Limited, Davies Road, Evesham, WR11 1DP

**Proposal:** ERECTION OF A BUILDERS MERCHANTS AND ASSOCIATED EXTERNAL STORAGE YARDS, CAR WASH AND TEN UNITS FOR B2 AND/OR B8 AND/OR B8 WITH ANCILLARY SHOWROOM USE AND/OR STORAGE DISTRIBUTION AND SALE OF TILES AND FLOOR COVERINGS, BATHROOM FURNITURE AND OTHER BUILDING MATERIALS; MACHINERY, TOOL AND PLANT HIRE ; AUTO CENTRE INVOLVING THE FITTING AND ASSOCIATED SALE OF TYRES AND CAR PARTS; PLUMBERS AND BUILDERS MERCHANTS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS.

#### **Part II - PARTICULARS OF DECISION**

The Wychavon District Council hereby give notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions (if any):-

#### **CONDITIONS AND REASONS**

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

Reason - In accordance with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Samples of the materials to be used in the construction of the external walls and roof materials shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.

Reason - To ensure that the development is visually satisfactory.

8. The trade centre units hereby approved shall not be used otherwise than for B2 and / or the B8 uses and/or B8 with ancillary showroom and/or the following sui generis uses:-

- Storage, distribution and sale of tiles, hardwood flooring, bathroom furniture and other building materials.

- Machinery, tool and plant hire.

- Auto centres involving fitting and associated sale of car parts.

- Plumbers and builders merchants.

Reason - To define the permission and to ensure that the permission does not allow non-ancillary retail uses as this would be contrary to planning policy.

9. Notwithstanding the information submitted with the application, and prior to the commencement of development, details of acoustic fencing to be provided along the north boundary of the application shall be submitted to the Local Planning Authority for approval in writing. Acoustic fencing in accordance with approved details shall be erected on the site prior to the any of the units hereby approved being first used and shall remain in place for perpetuity.

Reason - In the interests of residential amenities.

10 The rating level of noise from the car wash equipment, heating, ventilation and air conditioning units shall not increase the existing background noise level by more than 5dB whilst the site is in operation. The noise level shall be determined at the boundary of the site. The measurements and assessment shall be made in accordance with BS4142: 1997.

Reason - To preserve the amenities of the locality.

11 No part of the development shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must include:

i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be

- 17 There shall be no external storage of any goods, products, refuse or waste on the service roadways, vehicle manoeuvring/turning areas or vehicle parking areas. Such areas shall be used solely for the delivery and/or collection of goods and for the parking of vehicles, and shall be kept clear of obstruction at all times.

Reason - To minimise the likelihood of indiscriminate parking in the interests of highway safety.

- 18 Before any three units hereby approved are first put to use a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of measures to be implemented so as to discourage travel to and from the site by car and encourage travel to and from the site by alternative means. The Travel Plan shall also include a programme of implementation. The approved measures shall be implemented in accordance with the approved details.

Reason - To minimise the need to travel by private car.

### NOTES TO APPLICANT

1. The decision to grant planning permission has been taken having regard to the policies in the approved Worcestershire County Structure Plan, the Wychavon District Local Plan (June 2006), and the West Midlands Regional Spatial Strategy (RPG11), and to all relevant material considerations, including Planning Policy Guidance Notes, Planning Policy Statements and Supplementary Planning Guidance.

The following policies in the approved Worcestershire County Structure Plan are relevant to this decision: SD1, SD2, SD3, SD4, SD5, SD6, SD9, CTC1, CTC5, CTC13, D19, T1

The following policies in the Wychavon District Local Plan (June 2006) are relevant to this decision: GD1, GD2, SR2, SR5, ECON1, ENV1, ENV6, ENV7, ENV8, ENV20, ENV21, ENV22, SUR1, SUR2, SUR3

The following policies in the West Midlands Regional Spatial Strategy (RPG11) are relevant to this decision: RR1, RR3, RR4, PA1, PA14, QE1, QE3, QE4, T2

The development is considered to comply with these policies and guidance notes and it is not considered that it will cause material harm to the amenities of the area.

2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any scale of the application site or part(s) thereof.

## APPROVAL NOTICE

- Note 1. Listed Building Consent
- Note 2. Outline Planning Permission  
Approval of Reserved Matters
- Note 3. Planning Consent
- Note 4. Consent to Display Advertisements
- Note 5. Approved Plans

Note 1. Note: Attention is drawn to Section 8(2)(b) of the Act the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form of notice is enclosed, if appropriate.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may appeal to the relevant Secretary of State in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate.) The relevant 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.

2. If listed building consent is refused or granted subject to conditions, whether by the Local Planning Authority or by the relevant Secretary of State 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 works which have or would be permitted, he may serve on the district council in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Note 2. 1. 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 condition, he may appeal to the relevant Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0117 372 6372 or email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk). Appeal forms and guidance can also be downloaded from web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).) The relevant 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 his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a) to the provisions of the development order, and to any directions given under the order. 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.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State and the owner of the land 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 council of the district in which the land is situated 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.

Note 3. 1. 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 relevant Secretary of State in accordance with section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0117 372 6372 or email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk). Appeal forms and guidance can also be downloaded from web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).) The relevant Secretary of State has power to allow a longer for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject of the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. 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.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and he claims that the land has become incapable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the council of the district in which the land is situated 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.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the relevant 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.

Note 4. (a) The regulations provide that every grant of express consent shall be for a fixed period which shall not be longer than 5 years from the date of grant of consent without the approval of the relevant Secretary of State and if no period is specified the consent shall have effect as consent for five years.

(b) It is a condition of this consent that before any advertisement is displayed on land in pursuance of the consent granted, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.

(c) A person who displays an advertisement in contravention of the regulation will be liable on summary conviction to a fine of £100 and in the case of a continuing offence to a fine of £50 for each day during which the offence continues after conviction.

(d) Where the Local Planning Authority grant consent subject to conditions, the applicant may by notice given in writing within 8 weeks of the date of receipt of this notice or such longer period as the Secretary of State may allow, appeal to the relevant Secretary of State, in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. The relevant Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.

Note 5. Applicants are reminded that they must adhere to the approved plans when carrying out the works authorised by this permission. If it is necessary to make further amendments they are requested to contact the Local Planning Authority prior to commencement of building operations at

The Civic Centre, Queen Elizabeth Drive, Pershore,  
Worcestershire WR10 1PT