

FULL PLANNING PERMISSION GRANTED

To: Steven Robb
Avison Young
40 Torphichen Street
Edinburgh
EH3 8JB

Application no: 20/03375/FULMMA
Applicant: Dobbies Garden Centres Ltd.
Dobbies Garden Centres Ltd.
Head Office
Melville Nurseries
Lasswade
EH18 1AZ
Scotland

Milton Keynes Council, under their powers provided by the above legislation, **Permit** the

Variation of condition 5 (limiting use as garden centre and cafe) relating to application 05/01106/FUL to amend the permitted range of goods
At: Dobbies Garden Centre Belvedere Lane Bow Brickhill Milton Keynes MK17 9JH

In accordance with your application, valid on 23rd December 2020.

Approval is given subject to the condition(s) set out below. Some of the conditions may require further details to be provided **before the development commences**. The conditions need to be complied with for the permission to remain valid. If the conditions are not complied with, legal action can be taken against the developer and the land owner. The details required by the conditions, need to be submitted formally to the Council. Call the Planning Enquiries number at the bottom of the page or use the link www.milton-keynes.gov.uk/publicaccess for further details.

Conditions:

(1) The approved development shall be carried out in accordance with the following drawings/details:

(00)01 Location Plan, date: Sept 2020, received 23.12.2020
article 7 certificate and article 6 certificate received 26.07.2005
Drawings 10344/603 and 604 Rev E 1264(SK) 03 Rev F, 002 and 03, car parking and servicing report and water vole, bat and great crested newt assessment received 19.10.2005, drawing 3375-PA-001A received 10. 11.2005

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (England) Order 2015.

(2)The application site shall only be used as a garden centre, including the sale of hot tubs/ spas, bird care/ wild bird care, pet care and homeware/ kitchen ware with ancillary cafe and for no other purpose, including any other purpose in Class E shops of the Schedule to the Town & Country Planning (Use Classes) Order 2020 or the equivalent to that class in any statutory instrument amending or replacing that Order, or any change of use permitted by the Town & Country Planning (General Permitted Development) Order 1995. In addition to the ancillary garden and farm produce sales area, sales from the site shall be limited to the goods specified in the attached schedule, other than the sale of ancillary goods which shall be limited to a sales area of no more than 15% of the internal floorspace.

Reason: The site is located within a linear park where unrestricted retail development would normally not be permitted, but where garden centres may be permitted where such proposals also contribute to the linear park objectives.

(3)No overhead lines, wires or cables, whether for the purpose of telephones, electricity, wired television or any other purpose shall be erected on, over or across any part of the application site.

Reason: To protect the amenities of the locality

(4)No wall, fence, hedge or other means of enclosure to be provided along the site frontage to Watling Street shall exceed a height of 1 metre above the level of the centre line of the access within the visibility splay of 4.5 x 120 metres.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(5)Details of the proposed boundary treatment of the site (including the type and height of any walls or fences) shall be first submitted to and approved by the Local Planning Authority and the boundaries of the site shall be enclosed in accordance with the approved details before the use commences. The approved fence, hedge or wall shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of the locality

(6)The scheme for parking, manoeuvring and the loading and unloading of vehicles

shown on the submitted plans shall be provided prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to park, load/unload clear of the development road network to minimise danger, obstruction and inconvenience to other users of the development.

Building Regulations

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <https://www.milton-keynes.gov.uk/planning-and-building/building-control> or the Building Control Helpline Tel. (01908) 252721.

Your attention is drawn to the attached notes



A handwritten signature in blue ink, appearing to read 'JP', with a long horizontal line extending to the right.

16th April 2021

Jon Palmer MRTPI – Head of Planning
For and on behalf of the Council

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 for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website www.planning-inspectorate.gov.uk.

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 – <https://www.planningportal.co.uk/info/200207/appeals>. 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 planning 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, 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 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 need not consider an appeal if it seems to him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment

Development Management,
Civic, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ
Planning Enquiries Direct Line (01908) 252358
MK Council Tel: (01908) 691691
www.milton-keynes.gov.uk

refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 (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 their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

The Party Wall etc. Act 1996

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure
(ii) new building at or astride the boundary line between properties
(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on

the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail odpm@twoten.press.net