

## Notice of Planning Permission (Section 73)

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Co-operative Group Food Limited  
c/o Mr Jonathan Rainey  
Pegasus Planning Group Ltd  
First Floor, South Wing  
Equinox North  
Great Park Road  
Almondsbury  
Bristol  
BS32 4QL

**Application Number:**  
**19/00894/S73**

10 February 2020

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### Town and Country Planning Act 1990

**Proposal:** Variation of Condition 9 (allow deliveries to be made to the premises on Sundays and Bank Holidays) of 10/04304/FUL

**Location:** 2 By Pass Road, Tarvin, Chester, CH3 8EF



In pursuance of their powers under the above Acts, the Council hereby grants **PERMISSION** for the above development to be carried out, subject to compliance with the following conditions:

1. The development hereby granted permission shall be carried out in accordance with the following approved documents and/or plans:

2933 11 Proposed site plan  
2933 19 Proposed floor plans  
2933 14d Proposed convenience store plan and elevations  
2933 20 Proposed elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The works required within the highway shall only be carried out in strict conformity with the details agreed by application ref: 11/04304/DIS and must be completed and operational prior to commencement of development.

Reason: In the interests of highway safety.

3. The parking and turning areas must be completed and available for use prior to the commencement of use of any part of the development and shall be retained thereafter.

Reason: In the interests of highway safety.

4. The cycle parking agreed by application ref: 11/04304/DIS must be completed as agreed, made available for use prior to commencement of any use on the site and shall be retained thereafter.

Reason: To accord with local and national sustainable transport objectives.

5. Within the first twelve months from the date of this permission, no deliveries shall be taken at or despatched from the site outside the hours of:  
08.00 to 18.00 hours Monday to Friday;  
08:00 to 13:00 hours on Saturdays and  
09:00 to 13:00 Sundays and Bank Holidays.

Deliveries shall be carried out in accordance with the Delivery Management Plan as received on 21<sup>st</sup> January 2020.

Following twelve months from the date of this permission, deliveries shall revert back to the original conditions that no deliveries shall be taken at or despatched from the site outside 08.00 hours to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: The initial twelve month temporary expansion of delivery periods is to allow the potential impacts to be adequately assessed, in the interests of highway safety and to ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected.

6. Details of any external lighting (including floodlighting) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Any lighting scheme shall be designed in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution. Details shall include-
  - i. The equipment and supporting structures, together with isolux drawings to demonstrate the levels of illumination within the site and the amount of any overspill of lighting beyond the site boundaries
  - ii. The hours at which such lighting is to be operated

No external lighting shall be operated other than in accordance with the details approved.

Reason: In order to protect the residential amenities of neighbouring residential properties.

7. The scheme for protecting the residential amenity, including gardens, of the neighbouring residential properties agreed by application ref: 11/04304/DIS shall be fully implemented and completed.

Reason: In the interests of residential amenity.

8. The details of external plant, fume extraction equipment and internal noise attenuation measures agreed by application ref: 11/04304/DIS shall be implemented in full prior to commencement of occupation of the building to which they relate and thereafter retained, operated and maintained in accordance with the manufacturers specifications.

Reason: In the interests of residential amenity.

9. The convenience store hereby approved shall only operate between the hours of 7am to 10.30pm Monday to Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: It is in the interests of residential amenity.

10. Development shall be carried out in complete accordance with the materials agreed by application ref: 11/04304/DIS.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings.

11. The mitigation measures to protect bats as outlined in the Bat Mitigation Strategy by NLG Ecology dated March 2011 shall be implemented and carried out in strict accordance with the report.

Reason: To provide adequate safeguards for the protection of any protected species or habitats existing on the site.

12. The scheme to ensure public access through the site, including Top Farm, agreed by application ref: 11/04304/DIS shall be maintained.

Reason: To ensure that the development contributes to the permeability and accessibility of the area, does not undermine the viability or vitality of the town centre, to prevent prejudice of the future development of the wider site and in the interests of highway safety.

## Notes

1. The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF.

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Signed:

Date: 10 February 2020



Fiona Hore  
Chief Planning Officer  
Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

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**Please read the below notes, they will explain your rights and other important matters about this decision.**

**Please see the bottom of this notice for important information about the Community Infrastructure Levy.**

## NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

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.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from:

**The Planning Inspectorate, 3/13 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0303 444 5000)**

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.

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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment 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. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Community Infrastructure Levy (CIL)

**The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. The onus is on the applicant to provide any relevant relief or exemption to the Council before commencement of development. Any exemption or relief that is applied for after development is deemed to have commenced will be refused.**

**The Council may impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.**

**All forms are available at <http://www.cheshirewestandchester.gov.uk/cil> and once completed, should be emailed to [cil@cheshirewestandchester.gov.uk](mailto:cil@cheshirewestandchester.gov.uk)**

**For further information you can contact the Council's CIL and S106 Officer on [cil@cheshirewestandchester.gov.uk](mailto:cil@cheshirewestandchester.gov.uk) or tel: 0300 123 7027.**

## OTHER IMPORTANT POINTS TO NOTE

Under the provisions of Circular 04/2008 entitled Planning-Related Fees standard national fees of £34 for householder developments and £116 for all other development will be charged for requests for the discharge of planning conditions.

Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act, 1970 and the Code of Practice for Access for the Disabled to Buildings. These provisions apply to (a) buildings or premises to which the public are admitted, whether on payment or otherwise or (b) premises in which persons are employed to work. Similar provisions also apply for the benefit of disabled in educational buildings.

Development for which listed building consent and/or permission is granted is subject to compliance with the general statutory provisions in force in the District, except as may be modified in this permission and the Building Regulations. Your attention is drawn to Section 50 of the Cheshire County Council Act, 1980 which provides that where plans are deposited under the Building Regulations for the erection/extension of a building with the district council, then that council will reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show there is an adequate means of access for the Fire Brigade to the building or extension and that the building or extension will not render inadequate any existing means of access, for the Fire Brigade, to the neighbouring buildings. This note is included to give effect to Section 50 of the 1980 Act by virtue of sub-section (2) of the said Section.

Developers should check with all statutory undertakers at an early stage to ensure where their equipment (pipes, cables, poles etc) is located in relation to the development site and agree measures to ensure that no damage is caused to that equipment during construction, or negotiate the repositioning of some or all of the equipment.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

**Street Naming and Numbering** – It is a legal function of the Council to allocate property numbers and street names to new developments and conversions. This service is chargeable, please visit the Street Naming and Numbering page on our website and use the online form to submit an application. The charging scheme, guidance and contact details are also available on our Street Naming and Numbering web page.