

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010**

VARIATION OF CONDITION

This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (eg in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application No: 12/00852/REM_MJ

To:
ASDA Stores Limited
c/o Mrs Jenny Taylor-Smith
1 City Square
Leeds
West Yorkshire
LS1 2AL

Location of Development:

Asda, Ashbourne Road, Cheadle, Staffordshire, ST10 1HF

Description of Development:

Variation of condition 18 - store opening hours - on planning permission 02/00923/FUL
Supermarket with Car Parking

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council as Local Planning Authority, hereby **APPROVE** the following matter(s) which have been reserved for later approval on the grant of outline permission for development, in accordance with plans ref: PROMAP 1:1250; subject to the following conditions:-

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

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. All external lighting shall be directed and cowled so that no light source is visible from any residential properties, the detail of which shall be submitted to and approved in writing by the Local Planning Authority before installation.

Reason:- In the interests of residential amenity

3. No building shall be erected or trees planted within 2.5m of the public sewer that crosses the site. The applicant may wish to apply to Severn Trent Water Ltd to divert the sewer in accordance with Section 185 of the Water Industry Act, 1991.

Reason:- To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the sewer.

4. The pedestrian link from the site to well Street car park as (shown indicatively on plan no. 1099-103A) shall be made accessible in perpetuity.

Reason:- To ensure a satisfactory pedestrian link between the site and Tape Street.

5. Deliveries to the site shall limited to the hours of 07:00hrs and 22:00hrs and at no othert time outside of these times.

Reason:- In the interests of residential amenity

6. The amount of non-food retailing as a percentage of net retail floor space shall not exceed 10%

Reason:- The proposal is expressly described as a food store and any substantial non-food retailing could have adverse environmental /retail impacts.

7. Notwithstanding the originally submitted details this permission shall relate to the amended drawings numbered 1099-102B and 1099-103A, received as part of planning application 02/00923/FUL on 11th March 2003.

Reason:- For the avoidance of doubt

8. The supermarket hereby permitted shall not be open to the public outside the hours of 08:00hrs and 22:00hrs.

Reason:- In the interest of the amenities of nearby residents.

Informative

1. In considering this proposal, account has been taken of the following development plan policies: Staffordshire Moorlands Local Plan Policy B13. It is considered that the proposed development will have no adverse impacts on the area and will not have an unacceptable or adverse effect on the enjoyment of any neighbouring dwellings or highway safety.

2. The applicant is reminded that this permission relates solely to the variation of Condition no. 18 on the original permission (02/00923/FUL) for the opening hours and that the terms and conditions on the original planning permission are still relevant and must be complied with.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. 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 under section 78 of the Town and Country Planning Act 1990.
2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pes. 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 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.
3. If either the local planning authority 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 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 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.