

Refusal of Planning Permission

Punch Partnerships (PML) Limited
c/o Mr Mark Walton
WYG
54 Hagley Road
3rd Floor
Edgbaston
Birmingham
B16 8PE

Application Number:
18/02269/FUL

6 March 2019

Town and Country Planning Act 1990

Proposal: Conversion of existing public house to 7 apartments, demolition of existing toilet block and rear staircase/store; and construction of 2 new dwellings, associated car parking, landscaping and other ancillary works (amended)

Location: The Bear and Ragged Staff, High Street, Tattenhall, Chester, Cheshire, CH3 9PX



In pursuance of their powers under the above Acts, the Council hereby **REFUSES** to grant planning permission in accordance with the application and plans submitted by you, for the following reasons:

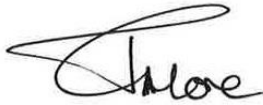
1. The proposed development would result in a shortfall of affordable housing against the required provision of up to 30%. Insufficient evidence has been submitted to justify the deficiency and as such the development fails to meet the requirements set out in Policy SOC 1 of the Cheshire West and Chester Local Plan Part 1 and the National Planning Policy Framework. In addition the proposed development results in the loss of an A3 Use in the heart of Tattenhall Local Retail Centre. The loss of the use has not been adequately marketed in advance of a planning application under current market conditions and as such is contrary to policy DM 15 of the emerging Cheshire West and Chester Local Plan Part 2 and the National Planning Policy Framework.

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.

Signed:

Date: 6 March 2019



Fiona Hore
Senior Manager, Planning and Strategic Transport,
Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

Please read the notes on the following page, 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

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.

If you want to appeal, then you must do so within six months of the date of this notice. However, if this application relates to a Householder or minor commercial development and you want to appeal, then you must do so within 12 weeks of the date of this notice

Appeals must be made using a form which you can get from the **Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN** (Tel: 0303 444 5000) or online at <https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>.

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.

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

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

OTHER IMPORTANT POINTS TO NOTE

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.