

Ddi number: 01242 774986
Our ref: 15/00452/DCBPC
Ask for: Mr Martin Levick
e-mail: martin.levick@cheltenham.gov.uk

Date: 27th November 2015

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir / Madam

Re: Sainsbury's Ltd, 86 Cirencester Road, Charlton Kings, Cheltenham

Enclosed by way of service to you is a copy of a Breach of Condition Notice issued by Cheltenham Borough Council on **27th November 2015**. The Notice concerns the failure to comply with one or more of the planning conditions attached to the planning approval for the above site.

The Notice will take effect on 27th November 2015

Once the Notice has taken effect, you must ensure that the steps required for compliance, specified in paragraph 5 of the Notice are taken within the time frames allowed for compliance. Failure to comply with the requirements of a Breach of Condition Notice can result in prosecution.

Yours faithfully

Martin Levick
Senior Enforcement & Compliance Officer

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**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

SERVED BY: Cheltenham Borough Council ('the Council')

To:

- 1. THIS NOTICE** is served by the Council, under section 187A of the above Act, because they consider that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Sainsbury's Ltd, 86 Cirencester Road, Charlton Kings, Cheltenham, Glos, GL53 8DA

3 THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 29 September 2015 for Ref 15/01281/CONDIT Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective).

4. THE BREACH OF CONDITION

The following conditions have not been complied with:

- 1 - The development hereby permitted shall be carried out in accordance with drawing numbers 11 Rev D, 40 Rev R, 41 Rev Q, 62 Rev G, 17 Rev E, 55, 51 Rev F, 50 Rev H, 46 Rev D, 45 Rev J, 60 Rev J, QUO253 PP 15 B, 13100 08 Rev D, 13100 01 Rev D, Technical Note 13-00234 - TN01 received 23rd July 2015, 4th August 2015 and 27th August 2015.

- 2 - All deliveries and servicing associated with the development hereby permitted shall be carried out in strict accordance with the 'Delivery Management Plan 13-00234/DMP/01/Rev I July 2015' received by the Council on 7th September 2015, unless otherwise agreed in writing by the Local Planning Authority. Should any variation of the Delivery Management Plan (DMP) be deemed necessary, then the applicant or current occupier of the development hereby approved shall submit a revised DMP to be approved in writing by the Local Planning Authority. The development hereby permitted and all deliveries and servicing of the development hereby permitted shall thereafter be carried out in strict accordance with the approved DMP.

- 8 - The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development for retail purposes and thereafter kept free of obstruction and available for the parking of cycles only.

- 9 - Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the development hereby approved for retail purposes, the following shall be erected or installed in strict accordance with the submitted details:
 1. the main shop entrance, canopy and supporting post(s), fascia detail and glazing
 2. eaves and soffit detail
 3. windows and shopfront glazing panels (including reveals, cills and detail of obscure glass)
 4. stone panelling to glazing surrounds, stone banding and cast stone coping detail
 5. rainwater goods
 6. vents, flues and any other pipework
 7. bollards and any other street furniture
 8. security lighting and all external light fittings installed within the curtilage of the application site
 9. cycle stands (staff and customer)
 10. timber gate and fencing panels

- 16 - Unless otherwise agreed in writing by the Local Planning Authority, the provisions of the submitted Site Waste Management Plan August 2015 received 1st September 2015 shall be fully implemented upon the retail unit being first open to customers and thereafter strictly adhered to for the duration of the use hereby permitted.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breaches of conditions specified in paragraph 4 of this Notice, you are required to secure compliance with the stated conditions by taking the following steps:-

- 1 – To secure compliance with the approved drawing number QUO23/PP/15/B and drawing number 62 Rev G

- 2 – Ensure all deliveries and servicing are carried out in full and strict accordance with the Delivery Management Plan 13-00234/DMP/01/Rev I, July 2015 and submit for approval to the local planning authority (LPA) Delivery Risk Assessment as stipulated within the approved Delivery Management Plan

- 8 & 9(9) – Provide internal bike rack facility for the staff as shown on the approved drawing numbers 62 Rev G and QUO23/PP/15/B
- 16 – Ensure adherence to the approved site waste management plan by locating both food waste and dry mixed recycling bins within the store at all times.

Period for compliance : 60 days beginning with the day on which this notice is served on you.

Mike Redman
Director, Environmental and Regulatory Services

Date: 27th November 2015

on behalf of: Cheltenham Borough Council, Enforcement, Environmental and Regulatory Services, Municipal Offices, Promenade, Cheltenham, Gloucestershire GL50 9SA

ANNEX

WARNING

THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this Notice requires you to do, you should immediately contact:

- **Martin Levick**
Senior Enforcement & Compliance Officer

Tel: 01242 774986

Email: martin.levick@cheltenham.gov.uk

If you do need independent advice about this Notice, you are advised to urgently contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.