

# Licensing Act Sub-Committee

## Supplementary Agenda

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**Date:** Tuesday, 21st August, 2012

**Time:** 10.00 am

**Venue:** The Tatton Room - Town Hall, Macclesfield SK10 1EA

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4. **Notice of Temporary Event: V Bar, 26 West Street, Congleton CW12 1JR**  
(Pages 1 - 22)

To consider a temporary event notice which has been served in respect of V Bar, 26 West Street, Congleton, Cheshire and the objection notice which has been received in respect of this temporary event notice.

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## CHESHIRE EAST COUNCIL

### LICENSING ACT SUB-COMMITTEE

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**Date of meeting:** 21 August 2012  
**Report of:** Vanessa Selfe, Licensing Administration Officer  
**Title:** Notice of Temporary Event  
V Bar, 26 West Street, Congleton, CW12 1JR

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#### 1.0 Report Summary

- 1.1 The report provides details of a temporary event notice which has been given in respect of V Bar, 26 West Street, Congleton, Cheshire CW12 1JR. The notice confirms provision of the following Licensable activities (i) the sale by retail of alcohol (for consumption on the premises), (ii) The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, (iii) the provision of regulated entertainment, and (iv) the provision of late night refreshment.
- 1.2 The Environmental Health Service has submitted an objection notice in relation to this temporary event notice.

#### 2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the temporary event notice served in relation to Saturday 1st September 2012 to extend current licensing hours (02:00 to 04:00 hours) and the objection notice received in respect of this temporary event notice; and
- 2.1.2 determine whether, having regard to the objection notice, to give a counter notice under section 105 of the Licensing Act 2003.
- 2.1.3 determine whether conditions on the current premises licence should be included on the temporary event notice.

#### 3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the delegated authority to consider this temporary event notice.

#### 4.0 Wards Affected

- 4.1 Congleton West

#### 5.0 Local Ward Members

- 5.1 Cllrs G Baxendale, R Domleo and D Topping

**6.0 Policy Implications**

6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

**7.0 Financial Implications (Authorised by the Director of Finance & Business Services)**

7.1 None.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

8.2 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:

a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and

b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

8.3 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

**9.0 Risk Management**

9.1 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the relevant authority that has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

**10.0 Background and Options**

- 10.1 The premise which is subject of the temporary event notice is a licensed premises number LAPRE/0306/10 and known as No 1 The Courtyard and is attached to this report as appendix 1
- 10.2 The temporary event notice served in relation to Saturday 1st September 2012 seeks to authorise: (i) the sale by retail of alcohol (for consumption on the premises); (ii) the supply of alcohol by or on behalf of a club to or to the order of a member of the club (iii) the provision of regulated entertainment; and (iv) the provision of late night refreshment between the hours of 02:00 and 04:00. The notice indicates that the licensable activities would take within the premise, with live musicians and recorded music as an 'end of summer event'.
- 10.3 Objection from relevant authority:
- 10.3.1 The Environmental Health Service has submitted an objection notice in respect of this temporary event notice. A copy of the objection notice is attached as Appendix 2.
- 10.3.2. The Police have not submitted an objection notice in respect of the temporary event notice.

#### **11.0 Access to Information.**

There are no background papers associated with this report.

Name: Vanessa Selfe  
Designation: Licensing Administration Officer  
TEL: 01270 371117  
Email: licensing@cheshireeast.gov.uk

**Appendix 1 – Premise Licence**

**Appendix 2 – Objection notice submitted by Environmental Health**

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## Schedule 12 Part A

Regulation 33,34

### Premises Licence *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0306/10

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

No.1 The Courtyard  
26 West Street  
CONGLETON  
Cheshire  
CW12 1JR

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Supply of Alcohol  
Performance of a Play  
Exhibition of Films  
Indoor Sporting Events  
Performance of Live Music  
Performance of Recorded Music  
Performance of Dance  
Similar Regulated Entertainment  
Making Music  
Provision of facilities for Dancing  
Similar Provision of Ents Facilities  
Late Night Refreshment

**Times the licence authorises the carrying out of licensable activities**

**Licensable Activities**

Sunday to Thursday 09:00- Midnight  
Fridays, Saturdays and Sundays preceding Bank Holidays 09:00 -02:00

*New Years Eve 09:00 – 03:30*

**Late Night Refreshment**

Sunday to Thursday 23:00 - Midnight  
Friday, Saturdays and Sundays preceding Bank Holidays 23:00 – 02:00

*New Years Eve 09:00 – 03:30*

**The opening hours of the premises**

Sunday to Thursday	09:00 – 00:30
Fridays, Saturdays and Sundays (preceding Bank Holidays)	09:00 – 02:30
New Years Eve	09:00 – 04:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Valentino Paolo Martone  
4 Heydon Close  
Woodland Park  
Congleton, Cheshire  
CW12 4UR

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Valentino Paolo Martone  
No 1 The Courtyard  
26 West Street  
Congleton  
Cheshire. CW12 1JR

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal Licence No:** LAPER/0307/10      **Licensing Authority:** Cheshire East Borough Council

**Annex 1 – Mandatory conditions**

- 1 No supply of alcohol may be made under the premises licence: At times when there is no designated supervisor in respect of the licence, or at a time when the designated premises supervisor does not hold a personal licence, or their licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 The following conditions are effective from 6<sup>th</sup> April 2010.

- 3 The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
An irresponsible promotions means any more or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
  - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol, within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited unspecified quantities of alcohol free or for a fixed price or discounted fee to the public or to a group defined by a particular characteristic (Other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Licensing Act);
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where the provision is dependent on –
    - i. the outcome of a race, competition or other event or process, or
    - ii. the likelihood of anything occurring or not occurring;
  - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following conditions are effective from 01 October 2010:

6. a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that -
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- i. beer or cider; half pint;
  - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii. still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **The Police Conditions:**

- 1 The Proof of age scheme Challenge 25 will be operated for all sales of alcohol
- 2 The Designated Premises Supervisor will regularly attend, or delegate another responsible member of staff to attend meetings of the local Pubwatch and actively support its aims.
- 3 A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the Public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or SIA.
- 4 At all times the premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and provide any copies requested.
- 5 Every Friday and Saturday and on New Years Eve there will be at least one door supervisor employed at the premises from 8 pm until the premises close to the public, except when the ONLY part of the premises open to the public is the Tiamo Restaurant at the front of the premises when this condition will not apply.
- 6 The Premises licence holder shall take all responsible steps to ensure that no open vessel is taken out of the premises onto any public footway or highway.

### **The Environmental Health Conditions:**

- 1 Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
- 2 Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08:00 – 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 3 There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- 4 Whilst regulated entertainment is taking place, all doors and windows shall remain closed.
- 5 Regulated entertainment outdoors after 22:00 shall be at background level only.

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

The Sub-Committee has determined to impose the terminal hours referred to above in order to prevent harm to the objective of the prevention of public nuisance, in the light of the close proximity of residential properties.

- The Designated Premises Supervisor or other nominated member of staff, shall take reasonable steps to regularly monitor the level of noise emanating from the premises, with particular regard to the level which can be heard at the boundary of the nearest residential property.
- Regulated entertainment outdoors after 22:00 shall be at "background" level only.
- The Designated Premises Supervisor or other nominated member of staff, shall take reasonable steps to ensure that open vessels are not taken into the courtyard area after midnight.
- The conditions suggested by the Police and Environmental Health Department, and agreed by the applicant, are imposed on the grant of the licence.

## **Annex 4 – Plans**

The Plan 0306/10 is attached.

**Part B**

**Premises Licence Summary**  
***Cheshire East Borough Council***

Premises Licence Number

LAPRE/0306/10

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

No. 1 The Courtyard  
 26 West Street  
 Congleton  
 Cheshire  
 CW12 1JR

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Supply of Alcohol  
 Performance of a Play  
 Exhibition of Films  
 Indoor Sporting Events  
 Performance of Live Music  
 Performance of Recorded Music  
 Performance of Dance  
 Similar Regulated Entertainment  
 Making Music  
 Provision of facilities for Dancing  
 Similar Provision of Ents Facilities  
 Late Night Refreshment

**Times the licence authorises the carrying out of licensable activities**

**Licensable Activities**

Sunday to Thursday	09:00- Midnight	
Fridays, Saturdays and Sundays preceding Bank Holidays	09:00 -02:00	
		<b><i>New Years Eve 09:00 – 03:30</i></b>

**Late Night Refreshment**

Sunday to Thursday	23:00 - Midnight	
Friday, Saturdays and Sundays preceding Bank Holidays	23:00 – 02:00	
		<b><i>New Years Eve 09:00 – 03:30</i></b>

**The opening hours of the premises**

Sunday to Thursday	09:00 – 00:30
Fridays, Saturdays and Sundays (preceding Bank Holidays)	09:00 – 02:30
New Years Eve	09:00 – 04:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises

**Name, (registered) address of holder of premises licence**

Mr Valentino Paolo Martone  
c/o No 1 The Courtyard  
26 West Street  
Congleton  
Cheshire  
CW12 1JR

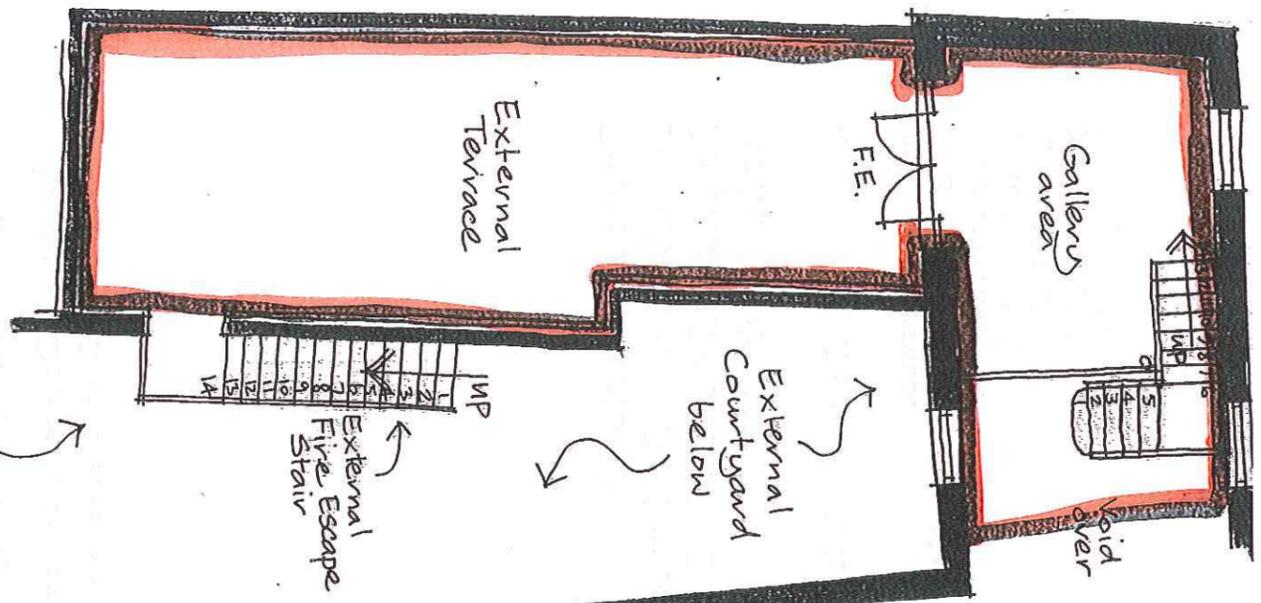
**Registered number of holder, for example company number, charity number (where applicable)**

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

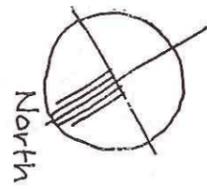
Mr Valentino Paolo Martone

**State whether access to the premises by children is restricted or prohibited**

**Licence Granted: 14.06.2011**

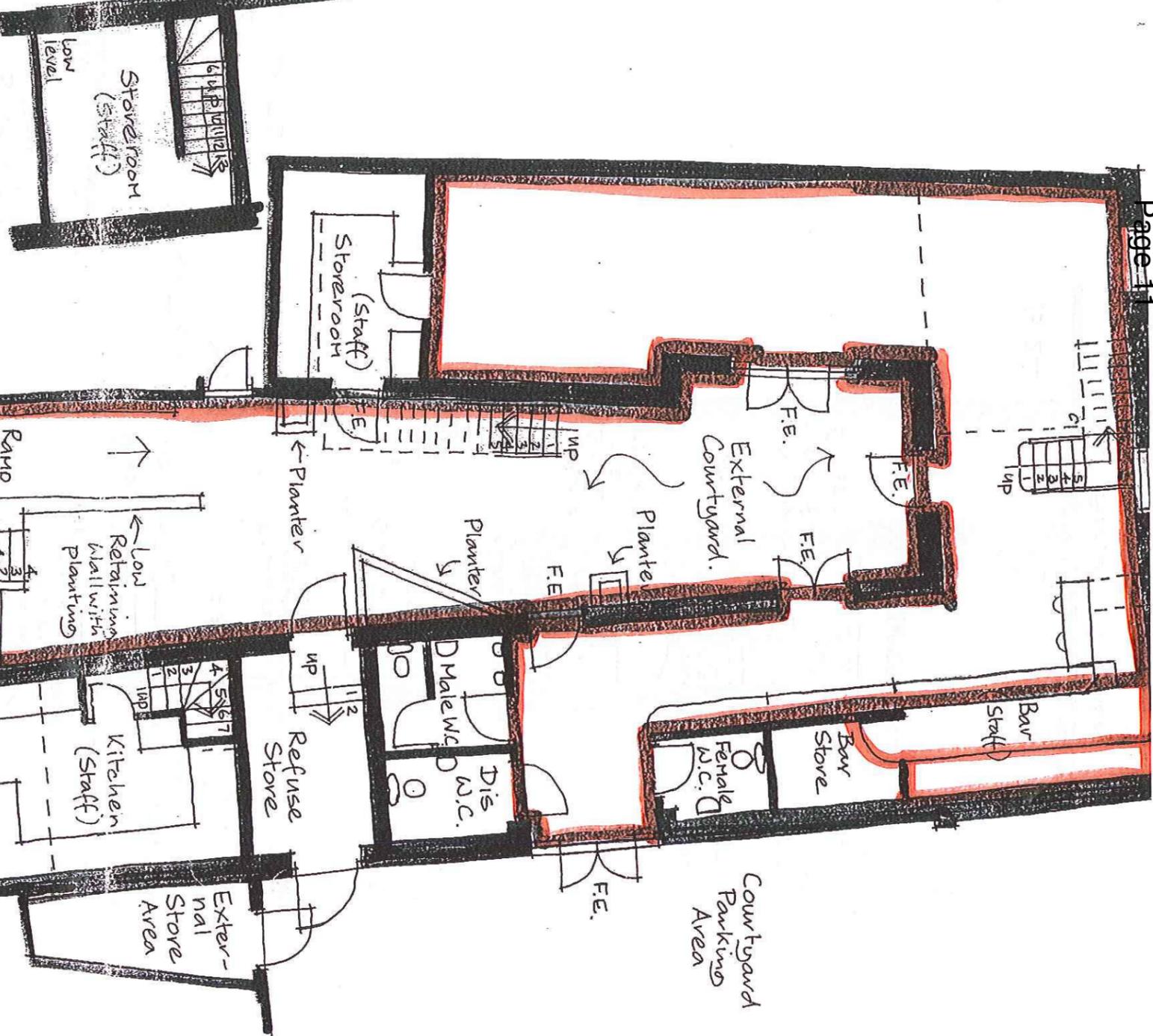


First Floor Plan.



0 1 2 3 4 5 6 7 8  
 Scale Bar (Metres).

All External Doors also operate as Fire Exit Doors and are marked F.E.



Ground Floor Plan.

Note: Cellar plan not shown, storage area only.

Ground & First Floor Plans.  
 26 West Street / 1 The Courtyard.  
 Congleton, Cheshire. CW12 1JR.  
 For Mr. V. Martone.

Scale : 1: 100 @ A3 Size. ( See Scale Bar ).

Drawn : Craig Harwood  
 Kindertons Property Development Ltd  
 Kindertons House, Marshfield Bank  
 Crewe, Cheshire. CW2 8UY.  
 Tel. 08450 942311  
 Dwg No : KPDC08/18  
 Date : October 2010.

No. 24 West Street - Pavement F.E. No. 28

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**LICENSING ACT 2003  
Environmental Health TEN Consultation Response**

14 August 2012

Date Received:

Mr Valentino Paolo Martone

Name of Applicant:

VBAR  
26 West Street  
Congleton  
Cheshire  
CW12 1JR

Address to which application relates:

Saturday 1<sup>st</sup> September 2012: 02.00 - 04.00

Date of event(s):

Approve

Object

Observations

VBar is part of the Tiamo Restaurant entertainment complex on West Street, Congleton; consisting Tiamo Restaurant, The Courtyard outdoor area and VBar.

All the activities are controlled via a single Premises Licence LAPRE/ 0306/10.

Noise sensitive receptors are located in close proximity to the licensed premises on West Street.

Environmental Health are currently dealing with noise complaints regarding regulated entertainment occurring over Friday and Saturday nights until 2am. The applicant has been informed in writing and verbally regarding the noise complaints; however noise complaints continue to be received which are currently under investigation.

Regulated entertainment at these premises on Saturday 1<sup>st</sup> September 2012 by extending the licence from 02.00 to 04.00, is excessive and would fail to meet the licensing objective of the prevention of public nuisance.

Consequently Environmental Health must object to the granting of the Temporary Event Notice under the licensing objective of the prevention of public nuisance.

**SIGNED: Stephanie Bierwas**

**DATED: 15<sup>th</sup> August 2012**

Environmental Health request that an appendum is added to the TEN objection sent to Licensing on Wed 15/08/2012 13:57. In order that Licensing Committee members are adequately briefed on the planning and noise complaint history for the site, in order to come to make an informed decision regarding the TEN under application.

#### Planning History

Planning Permission Decision Notices for the site were forwarded for my attention after this time at 15.18. The planning decision notices are deemed relevant information for consideration by members of the Licensing Committee. The planning permissions are:

09/4014C – Change of Use Involving Conversion and Ancillary Works of Part of Former A1 and A5 Shop/Business Premises to A4 Drinking Establishment with Associated Limited A3 Restaurant/Cafe Use. And

09/3226C Conversion (With Ancillary Works) of Existing Vacant (Former Residential) Accommodation at 1st And 2nd Floor Levels above Existing Shops To Form 5no. Separate Dwellings (Flats, 2no. Studio Bedsits, 2no. 1 Bed & 1no. 2 Bed).

The Decision Notices are attached for information.

The above illustrates environmental health concerns in relation to loss of amenity to noise sensitive receptors in the locality of this development and planning permission conditions imposed to control the same.

Amended Guidance Issued by the Home Office, Under Section 182 of the Licensing Act 2003, April 2012. Sections 13.58 is relevant to the applicant and to the Licensing Committee as allowing an extension to 4.00am may be interpreted as encouraging a breach to the planning permission for the site.

*13.58 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.*

#### Locality

Tiamo/ Courtyard and VBar Entertainment Complex is located on West Street on the periphery of Congleton town centre. This area is mixed residential and commercial. Residents are located at 14, 16 and next door but one, number 30 and further terraced properties beyond West Street car park entrance. The properties are typical front of street terraces some of which are currently void.

Flats 1-5 The Courtyard , 24 West Street, Congleton, Cheshire, CW12 1JR are new flats above 24 West Street (Bear Town Spice) and 26 West Street (Tiamo). Only Flat 1, The Courtyard is currently in the Council Tax list and is occupied.

Flat occupiers within this complex, despite any tenancy agreements, have a right to protection from negative noise impact.

#### Noise Complaint History

June 2011: 3 noise complaints were received in relation to entertainment noise emanating from the premises. The applicant Mr Martone was informed in writing and a meeting was held at the premises to discuss the complaints and to reaffirm the Premises Licence Conditions and to introduce the statutory noise nuisance regime. The complaint was closed in September 2011 as two of the complainants stated that the noise was no longer an issue and the third had not returned noise nuisance diary sheets.

July 2011: four (the same complainants as above and one other) noise complaints were received as a result of a temporary event held on Saturday 9<sup>th</sup> July 2011. Licensing confirmed that the Courtyard had a TEN for a private party at the establishment. The TEN was for alcohol, regulated entertainment and late night refreshment until 2 am. The TEN was applied for in sufficient time. In July 2011 Licensing had no power to refuse if the TEN had been applied for incorrectly and environmental health were not permitted to object.

This department is currently dealing with 3 noise complaints in relation to entertainment noise emanating from the Tiamo / Courtyard / VBar complex. As a percentage of residents in the immediate vicinity this is considered a high proportion of complaints. The amplification giving rise to complaint includes live bands and singers; that the songs are clearly audible and it is recognised when the volume is increased and decreased.

The applicant was informed of this complaint via copy letter dated 28<sup>th</sup> June, the letter was also forwarded to Licensing Enforcement. Diary sheets were returned on 25<sup>th</sup> July and I visited the premises on Wednesday 1<sup>st</sup> August and spoke to restaurant manager Mr Pritchard requesting that Mr Martone contact me. There was no contact and I revisited the premises on Thursday 9<sup>th</sup> August and was provided with Mr Martones contact details. I subsequently spoke to Mr Martone regarding ongoing entertainment noise complaints, licensing conditions and the ongoing statutory noise nuisance investigation. On returning to work on Monday 13<sup>th</sup> August, three voice messages were left by the complainants in relation to noise events over the previous weekend: Friday 10<sup>th</sup> August & Saturday 11<sup>th</sup> August: described as sounding like entertainment outside very loud until 3am in morning.

The statutory noise nuisance investigation is ongoing concerning these premises. I confirm my objections under the licensing objective of the prevention of public nuisance. to hold a TEN event on Saturday 1<sup>st</sup> September 02.00 - 04.00 consisting of live musicians & recorded music.

**SIGNED: Stephanie Bierwas**

**DATED: Thursday 16<sup>th</sup> August 2012**

Attached: Decision Notices 09/4014C and 09/3226C  
Tiamo/ Courtyard / VBar Site Location Plan

## DECISION NOTICE

Application No: 09/4014C

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

Particulars of Development

**Change of Use Involving Conversion and Ancillary Works of Part of Former A1 and A5 Shop/Business Premises to A4 Drinking Establishment with Associated Limited A3 Restaurant/Cafe Use**

Location

**26, WEST STREET, CONGLETON, CHESHIRE, CW12 1JR**

for **Mr Valentino Martone**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence within three years of the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. Subject to the requirements of condition 6, the development hereby approved shall be carried out in total accordance with the approved plans numbered KPDC08/07, KPDC08/15, KPDC08/16 and KPDC08/17 received by the Local Planning Authority on 1st December 2009 and 21st April 2010.  
Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.
3. Prior to implementation of the use hereby permitted, a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of the building including windows, openings and ventilation. The approved details shall be implemented in full before the building is first occupied and shall be retained at all times thereafter.  
Reason: To ensure adequate levels of residential amenity having regard to noise generated by activities at the premises and to comply with Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review 2005.
4. Prior to the implementation of the use hereby permitted, details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority.  
Reason: In the interests of amenity and to ensure the appearance of the equipment is acceptable in accordance with Policies GR1, GR2 and GR6 of the adopted Congleton Borough Local Plan First Review 2005.
5. The use hereby permitted shall not be undertaken other than between the following times:-  
Monday- Sunday including Bank Holidays 10.30am to Midnight  
Reason: In the interests of amenity and to comply with policies GR1 and GR6 of the adopted Congleton Borough Local First Plan Review

6. Notwithstanding the details shown on the approved plans, no roof terrace shall be formed or used in the development hereby approved.

Reason: In the interests of amenity and to comply with policies GR1 and GR6 of the adopted Congleton Borough Local First Plan Review

The reason(s) for approving this application is/are:

1. The proposal complies with the relevant policies of the Development Plan and is considered to be acceptable.
2. The proposal has an acceptable impact upon the amenities of neighbouring properties.
3. The visual impact of the proposal on the character and appearance of the area is considered to be acceptable.

INFORMATIVE The policies and proposals in the Development Plan relevant to this decision are: North West of England Plan Regional Spatial Strategy to 2021 - DP1 and DP7 and the adopted Congleton Borough Local Plan First Review 2005. - GR1, GR2, GR6, GR9, BH9 and S5.

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 16.6.10

Signed %signature%

**Head of Planning and Policy for  
Cheshire East Borough Council**

## DECISION NOTICE

Application No: 09/3226C

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

**CONVERSION (WITH ANCILLARY WORKS) OF EXISTING VACANT (FORMER RESIDENTIAL) ACCOMMODATION AT 1ST AND 2ND FLOOR LEVELS ABOVE EXISTING SHOPS TO FORM 5NO. SEPARATE DWELLINGS (FLATS, 2NO. STUDIO BEDSITS, 2NO. 1 BED & 1NO. 2 BED)**

Location

**24 & 26, WEST STREET, CONGLETON, CHESHIRE, CW12 1JR**

for **MR. VALENTINO MARTONE**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

7. The development hereby approved shall commence within three years of the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
8. The development hereby approved shall be carried out in total accordance with the approved plans numbered KPDC08/07, KPDC08/10A, KPDC08/11A and KPDC08/12A received by the Local Planning Authority on 1st October and 24th November 2009.  
Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.
9. The materials to be used in the construction of all external surfaces of the development hereby permitted shall match those of the existing building, unless otherwise first approved in writing by the Local Planning Authority.  
Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.
10. The material and colour of all rainwater goods shall be metal, finished in black..  
Reason: To ensure that the external appearance of the building / structure is acceptable acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

For LB's this should read:

Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.

11. All fenestration to the front elevation shall be set behind a 100mm brick reveal.  
Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.
12. All windows and doors in the external elevations of the proposed development shall be fabricated in timber, which shall be painted or opaque stained and they shall be retained in such a form thereafter.  
Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.
13. Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of not less than 1:20 shall be submitted to and approved in writing

by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.

14. Notwithstanding any detail indicated on the plans hereby approved, details of external staircases, stairs and balustrades shall be the subject of plans submitted to and approved by the Local Planning Authority before works commence. The development shall be carried out in accordance with the approved details and the details approved by virtue of this condition shall be retained thereafter.

Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.

15. The proposed external balustrades shall be painted in a colour, details of which shall be first approved in writing by the Local Planning Authority

Reason: In order to ensure that the development meets the requirements of policy GR2 'Design' (B) & (D) of the adopted Congleton Borough Council Local Plan First Review 2005.

16. The hours of construction (and associated deliveries to the site) of the \*\*\*\* shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1300 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005....

The reason(s) for approving this application is/are:

4. The proposal complies with the relevant policies of the Development Plan and is considered to be acceptable.
5. The proposal has an acceptable impact upon the amenities of neighbouring properties.
6. The visual impact of the proposal on the character and appearance of the area is considered to be acceptable.

INFORMATIVE The policies and proposals in the Development Plan relevant to this decision are: North West of England Plan Regional Spatial Strategy to 2021 - \*\*\* and Macclesfield Borough Local Plan - \*\*\*\*

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

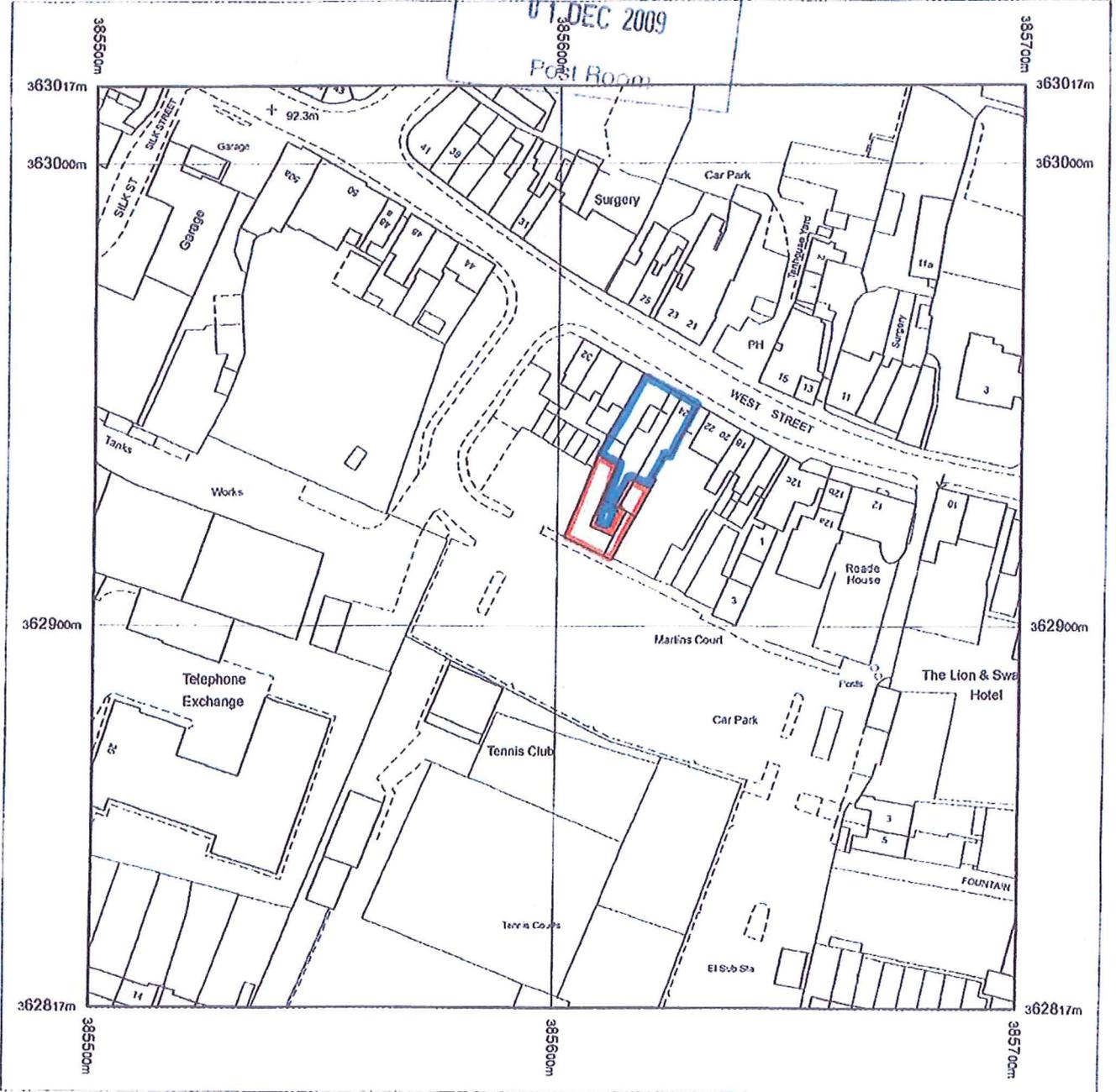
- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.



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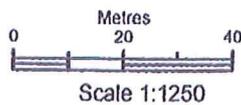
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Supplied by: **Outlet User**  
Serial number: 00000900  
Centre coordinates: 385600 362917

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

Site Location Plan.  
No's 24 & 26 West Street.  
Congleton, Cheshire, CW12 1JR.  
for Mr. V. Martone.

Date : Sept 09. Scale : 1: 1250 @ A4 Size.  
( See Scale Bar ). Dwg No : KPDC08/00

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