

Notice of Planning Permission

Mr Alan Barrow
c/o Mr Ben Kettle
Wharfe Rural Planning Ltd
Sapling Home Farm
Ullard Hall Lane
Lower Peover
Knutsford
WA169PJ
United Kingdom

Application Number:
18/04887/FUL

8 July 2019

Town and Country Planning Act 1990

Proposal: Conversion of traditional agricultural barn into two dwellings and associated works including demolition of an existing modern barn

Location: Land At Pool Head Farm, Woodford Lane West, Winsford,



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 permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Plan dwg no. 0725-01
Existing Plans & Elevations dwg no. 0725-02
Proposed Plans & Elevations dwg no. 0725-03
Proposed Site Plan dwg no. 0725-04

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

3. No development which, for the avoidance of doubt shall be taken to include any demolition or construction operations, hereby approved, shall commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any development begins.

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures before development begins.

Reason: This condition is required to be discharged prior to the commencement of any development due to the potential for significant adverse health and environmental impacts which might arise from potential contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks.

4. No development which, for the avoidance of doubt shall be taken to include any demolition or construction operations, hereby approved, shall commence until further details of the Great Crested Newt Mitigation Strategy are provided, to include Reasonable Avoidance Measures, have been submitted to and received written approval of the Local Planning Authority. All works shall only then take place in accordance with the approved mitigation measures.

Reason: In the interest of protection and enhancement of biodiversity / protected species. Any development on site has the potential to harm protected species such that avoidance measures are required prior to commencement of any development to ensure suitable mitigation can be provided.

5. Prior to the construction / re-construction of any external elevations or installation / replacement of any doors or windows of the conversions, hereby approved, details of the materials and finishes to be used in the conversions including that of all replacement windows, doors shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in complete accordance with the approved materials.

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

6. The development, hereby approved, shall only involve the restoration and repair of the existing building. No external building operation, other than those shown within approved Proposed Plans & Elevations dwg no. 0725-03, shall take place.

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

7. Prior to the construction / re-construction of any external elevations or installation / replacement of any doors or windows of the conversions, hereby approved, a scheme for protecting the housing development, hereby approved, shall be submitted to and approved in writing by the local planning authority. No dwelling or residential unit, hereby approved, shall be occupied or brought into use until all works that form part of the approved scheme have been fully

implemented and completed. The submission for approval shall include details of windows, openings and means of ventilation in the buildings hereby approved, and full details of barriers, and ensure the following internal and external noise levels are not exceeded, and shall apply to all residential properties prior to occupation within the development hereby approved:

- An internal noise level for habitable rooms during the day (0700-2300hrs) of 35dB(A)LAeq,16hrs;
- An internal noise level for bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LA max;
- Noise levels within external living areas such as balconies, terraces and gardens during the day (0700-2300hrs) of 50dB(A)LAeq,16hrs

The internal noise levels shall be achieved with windows open or else closed and with other adequate means of ventilation provided, in accordance with current necessary requirements.

Reason: to ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected.

8. No dwelling or residential unit, hereby approved, shall be occupied or brought into use until the bat nesting bird mitigation have been installed in accordance with the details within approved Rachel Hacking Ecology "Bat Survey" report and associated Figure 2. All bird and bat mitigation shall then be retained as such thereafter.

Reason: To safeguard and enhance protected species on site.

9. All demolition and site clearance works including the removal of any vegetation undertaken as part of the development, hereby approved, shall take place outside the bird nesting season (1st March to 31st August inclusive), unless the site is surveyed for nesting birds by a qualified ecologist prior to their removal. If nesting birds are found, a scheme to protect nesting birds shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason: In the interest of protection and enhancement of biodiversity / protected species.

10. No external lighting shall be installed to the conversions, hereby permitted, until full details of any external lighting has been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of any lighting location, luminaries and fittings.

The approved external lighting plan shall be implemented in accordance with the approved details and thereafter retained. No other external lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Reason: in order to minimise the impacts upon protected species.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development consisting of the enlargement of the dwellinghouse, an addition to its roof or the provision of any building incidental to the enjoyment of the dwellinghouse within Part 1 to Schedule 2 thereof, shall be carried out without the grant of express planning permission by the local planning authority.

Reason: To safeguard the openness and visual amenity.

12. No dwelling or residential unit, hereby approved, shall be occupied or brought into use until it has been provided with one dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit. The circuit shall be located where it is accessible from a dedicated parking bay, such that it may readily be upgraded to Type 2 electric vehicle charging point. Alternatively, the developer may choose to install a proprietary charger with a BS EN 62196 Type 2 socket.

Reason: to ensure that provision is made for sustainable transport in the future.

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.
2. The developer should be aware of the responsibility to prepare a plan for construction traffic which will minimise any risk of conflict with the public.

In addition, if any change of surface is intended and not stated in this application, for the access drive the applicants attention is drawn to the guidance advice below. This will include any detriment to the footpath caused during the process of construction.

And note that public vehicular rights are not recorded over the driveway.

No change to the surface of the right of way can be approved without consultation with the Cheshire West and Chester Council Public Rights of Way Officers. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- there is no diminution in the width of the right of way available for use by members of the public;
- no building materials are stored on the right of way;
- no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way;
- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;

- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;
- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way and;
- the safety of members of the public using the right of way is ensured at all times

Any variation to the above will require the prior consent from a Public Rights of Way Officer in addition to planning permission.

If it is necessary to stop up or divert a way in order for development to be carried out the council satisfied that it is necessary to [stop up or divert] in order to enable development to be carried out. The applicant must have shown the affect of the development on the path or way within the development on the plans submitted for planning permission. Any proposal should not include the use of estate roads.

In addition to planning permission, an application under the Town and Country Planning Act 1990 must be submitted to Public Rights of Way, Highways Depot, Guilden Sutton Lane, Guilden Sutton, CH3 7EX. The application forms are available this address.

The grant of planning permission does not entitle the developer to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed.

Development should not be started where it affects the right of way and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights.

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The Public Rights of Way Officers will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place. Application forms for a temporary closure/diversion are available at the address above.

Signed:

Date: 8 July 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

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 development and you want to appeal, then you must do so within 12 weeks of the date of this notice

Forms can be obtained 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.

Please note before starting work that your project may also require **building regulations approval**, which is different from planning approval. You can find out if you need approval, how to submit an application and get further helpful information by visiting the Council's website, www.cheshirewestandchester.gov.uk/buildingcontrol.

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

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.