

Notice of Planning Permission

Mr David McDonagh
c/o Mr Mike Carr
MAT Design Limited
17 Brookside Avenue
Eccleston
St.Helens
WA10 4RN

Application Number:
22/02273/FUL

3rd May 2023

Town and Country Planning Act 1990

Proposal: Change of use of land to provide 3 traveller family pitches together with construction of associated vehicle hardstanding, boundary fencing, septic tank and widened access onto Dunkirk way (part-retrospective).

Location: Land to the North of Sunny View, Dunkirk Way, Backford, Chester, CH1 6LZ.



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 carried out in accordance with the following approved plans:

Drg No. 1 Site Location Plan
Drg No. 3A Proposed Site Plan and Fence Detail

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

2. No more than 6 no. caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 no. shall be static caravans) shall be stationed on the site at any time. No commercial activities shall take place on the land, including the storage of materials.

Reason - In the interests of visual amenity, residential amenity and highway safety.

3. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:



i) Notwithstanding the details submitted with the application, within 3 months of the date of this decision a scheme for access widening works, including works within the public highway, shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.

ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

The width of the widened gateway shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason - In the interests of highway safety.

4. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i). Notwithstanding the details submitted with the application, within 3 months of the date of this decision details of foul drainage for the site shall have been submitted for the written approval of the Local Planning Authority and the details shall include a timetable for implementation.

The details shall be designed in accordance with the following hierarchy of non-mains alternative solutions (where 1 is most preferable and 4 is least preferable). The most preferable solution must be used, unless it can be demonstrated that it is unachievable to do so.

1. Connection to the public foul sewer;
2. Package sewage treatment plants (which may be offered to the sewerage undertaker for adoption),
3. Septic tanks; and
4. Cesspools.

ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Secretary of State.

iv) The approved details shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved details specified in this condition, that details shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason - In the interests of pollution prevention.

5. Details of existing and proposed external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and the details shall include a timetable for implementation. The approved details shall be carried out and completed in accordance with the approved timetable and retained and maintained thereafter.

Reason - In the interests of residential amenity.

6. Details of sustainable surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and the details shall include a timetable for implementation.

The site runoff rates should be reduced to the greenfield rates, unless it can be demonstrated that this is unachievable or hydraulically impractical to do so. Where this cannot be achieved a reduction of at least 30 percent of the actual existing runoff must be provided, unless it can be demonstrated that this is unachievable or hydraulically impractical to do so.

The approved details shall be carried out and completed in accordance with the approved timetable and retained and maintained thereafter.

Reason - In the interests of sustainable drainage.

7. Details of soft landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The planting shall take place as approved in the first available planting season following the approval of the details. Thereafter, any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or seriously damaged within 5 years of completion of the approved details shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason - In the interests of visual amenity.

8. Details of measures for the protection of trees on the site and on the highway to the front of the site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The approved tree protection measures shall be adhered to thereafter.

Reason - In the interests of visual amenity.

9. The parking spaces as indicated on the approved plan ref: Drg No. 3A Proposed Site Plan and Fence Detail shall be retained and be available for use at all times.

Reason - In the interests of highway safety and residential amenity.

10. Details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision together with a timetable for implementation. The approved details shall be completed in accordance with the approved timetable and retained thereafter.

Reason - In the interests of biodiversity.

11. Details of refuse and recycling storage and management arrangements shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision together with a timetable for its implementation. The approved details shall be completed in accordance with the approved timetable and retained thereafter.

Reason - In the interests of residential amenity and highway safety.

12. Facilities for secure and covered storage of 6 bicycles shall be provided on the site within 3 months of the date of this decision and retained thereafter.

Reason - In the interests of sustainable transport.

13. Within 3 months of the date of this decision an electric car charging point shall be provided on the site and retained thereafter. This shall comprise, as a minimum, one dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit. The circuit shall terminate at a three-pin socket or BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay.

Reason - In the interests of sustainable transport.

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 applicant/developer will need to contact the Local Highway Authority (tel: 0300 123 7036 or email: highways@cheshirewestandchester.gov.uk) to apply for a vehicle crossing licence and to agree the specification of the access and the works within the highway. No works are to be undertaken in the highway until the vehicle crossing licence has been granted.

Signed:

Date: 3rd May 2023



Nick Smith
Interim Head of Planning and Placemaking

Cheshire West and Chester Borough Council The Portal Wellington Road Ellesmere Port CH65 0BA

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.