

## Notice of Planning Permission

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MR NICHOLAS DAVIDSON  
c/o MR TOBY SOUTHGATE  
ARCHITECTURE WORKS  
THE COACH HOUSE  
WARRINGTON ROAD  
MICKLE TRAFFORD  
Cheshire West And Chester  
CH2 4EA

**Application Number:**  
**23/00345/FUL**

10 November 2023

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### Town and Country Planning Act 1990

**Proposal:** Change of use from a Household of Multiple Occupation (HMO) to seven self-contained flats including loft conversion, a single storey extension to the outbuilding and additional parking provision.

**Location:** 26 - 27 Brook Lane, Chester, CH2 2AP



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 91 of the Town and Country Planning Act 1990.

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

Drawing No. L01  
Drawing No. L02  
Drawing No. L03 Rev. B  
Drawing No. L04 Rev. B  
Drawing No. L05 Rev. A  
Drawing No. L06 Rev. A  
Drawing No. L07 Rev. A

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the application form and approved plans.

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

4. The development hereby approved shall not be occupied until details of all fencing, walls or other means of enclosure and boundary treatment are submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the development or otherwise in accordance with a timetable for implementation which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

5. The development hereby approved, shall not be occupied, or brought into use until the car and cycle parking spaces as shown on plans submitted with this application has been laid out and made available for use. Thereafter, the space for parking shown shall be retained and made available for use for the stated purposes by the development hereby permitted at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and retained for the development.

6. Electric Vehicle Charging Point provision must be in accordance with the current CWaC Parking SPD. The space and infrastructure shall be provided before initial use or occupation of the development and retained thereafter for such use.

Reason: To promote sustainable development and sustainable transport opportunities and support a Low Emissions Strategy for Cheshire West and Chester.

7. The dwelling hereby approved shall be designed and constructed to ensure that the potential consumption of wholesome water by persons occupying a new dwelling will not exceed 110 litres of water per day.

Reason: To ensure that satisfactory levels of water efficiency are achieved and to ensure that Paragraph (2)(b) of The Requirement G2 of the Building Regulations applies.

## 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. If planning approval is granted the applicant will be required to make a vehicle crossing application online, the process for this can be found on the Cheshire West and Chester website.

3. The highway must be kept clear from obstruction at all times by construction traffic, plant, and materials.

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Signed:

Date: 10 November 2023



Rob Charnley  
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](http://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](mailto:cil@cheshirewestandchester.gov.uk)**

**For further information you can contact the Council's CIL and S106 Officer on [cil@cheshirewestandchester.gov.uk](mailto: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.