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Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

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DECISION NOTICE

Application No: **21/1049M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development
Demolition of existing detached building (2 apartments) and erection of a new detached dwelling

Location
Coach House, 23, HAWTHORN GROVE, WILMSLOW, CHESHIRE, SK9 5DE

for **Mrs Carol Chadwick**

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. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance

with the approved details.

Reason: To ensure that the external appearance of the building/structure is acceptable.

3. The development hereby approved shall be carried out in total accordance with the approved plans numbered 002C (Site Location Plan), 100 REV O (Proposed Plans and Elevations) and 101A (Proposed Site Plan) received by the Local Planning Authority on 24 February 2021 except where varied by other conditions of this permission.

   Reason: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

4. Prior to the use of any external materials on the development hereby approved, a sample panel showing the proposed colour, texture, facebond and pointing of the new brickwork shall be provided on site and approved in writing by the Local Planning Authority. The sample panels shall be retained on site until the work is completed.

   Reason: To ensure that the external appearance of the building/structure is acceptable.

5. Prior to the use of any external materials on the development hereby approved, detailed drawings of new windows and doors at a scale of 1:20 and sections at a scale of 1:5, shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure that the external appearance of the building/structure is acceptable.

6. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
   (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include
   evidence of an assessment of ground conditions and the potential for infiltration of surface water;
   (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.
The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:

- A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may

be deemed acceptable subject to the previous being submitted.

The infrastructure shall be maintained and operational in perpetuity.

Reason: In accordance with paragraph 112(e) of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life with respect to Local Air Quality and in accordance with minimum good design standards as set out In the EPUK Guidance Land-Use Planning and Development Control: Planning for Air Quality.

10. (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
(b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development. The actions are considered necessary as a result of a proposed change of use to a more sensitive land use.

11. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development. The actions are considered necessary as a result of a proposed change of use to a more sensitive land use.

12. The first-floor windows in the east elevation (labelled as 'secondary window' on the approved plan) of the development hereby approved shall be glazed using obscured glass to a minimum of Pilkington level 3 (or equivalent) scale of obscuration. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished

floor of the room in which the window is installed. Any subsequent re-glazing shall achieve the same level of obscurity.

Reason: To protect the residential amenities of the occupants of adjoining properties.

13. Prior to occupation of the development hereby approved, features for nesting birds and roosting bats are to be provided on site in accordance with the submitted proposals prepared Landscape Ecology Ltd (received by the Local Planning Authority on 01 October 2021). The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To safeguard biodiversity in accordance with the NPPF.

14. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

    Reason: To safeguard biodiversity in accordance with the Local Plan Policy SE 3.

15. a) No development or other operations shall take place except in complete accordance with the tree protection and temporary ground protection measures identified in the Arboricultural Method Statement (Landscape Ecology Limited, Report No: LEL_SK95DE_AMS_001) dated March 2021 in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. – Recommendations.

    b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality having regard to Policy SE 5 of the Cheshire East Local Plan

INFORMATIVES:

- The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

- Community Infrastructure Levy (CIL)
  The development approved by this permission may be liable for a charge under the Community Infrastructure Levy Regulations (as Amended) 2010. 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 and await the Council's acknowledgement. Any relevant applications for 'Relief' or 'Exemption' must be submitted to the Council before commencement of development. Any relevant applications for 'Relief' or 'Exemption' which are applied for after development is deemed to have commenced will be refused.
  The Council will impose penalties where the correct forms are not submitted, are late, or where the information provided is inaccurate.
  All forms are available at www.cheshireeast.gov.uk/cil and once completed, should be emailed to cil@cheshireeast.gov.uk
  For further information you can contact the Council's CIL Team on cil@cheshireeast.gov.uk or Tel: 0300 123 5014.

- Attention is drawn to the contents of the letter from United Utilities (received during the application's consultaion period, and available to view online). The applicant / developer should seek to ensure that any statutory requirements and / or recommendations contained in this letter are satisfied.

- Under the Control of Pollution Act 1974, Environmental Health recommend that the hours of noise generative* demolition / groundworks / construction works taking place during the development (and associated deliveries to and from the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

  Noise generative* works outside of these hours may result in action by the Environmental Protection Team to serve a legal notice on the property or construction site under the Control of Pollution Act 1974.

  "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.

- The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

- Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

- The applicant has a duty of care to ensure that any works connected with the development are implemented in such a way as to minimise any damage to those trees as failure to exercise reasonable care in carrying out work may lead to liability in negligence (for example where the removal of roots make a tree unstable).

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: 3 November 2021

Signed

Authorised Officer *for*
Cheshire East Borough Council

We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us you will need to pay a fee and submit a separate application. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must submit your appeal within:

- 12 weeks of the date of this notice in the case of householder applications
- 8 weeks of the date of this notice for advertisement applications or
- 6 months of the date of this notice in all other cases

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Appeals can be made online at https://www.gov.uk/planning-inspectorate If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 03034445000. The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor 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 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.