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DECISION NOTICE

Application No: **18/3211M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Proposed replacement of vehicle showrooms/workshops/glazing company building with replacement car showroom/workshops and glazing company building, extension of car parking area, improvement of access arrangements and landscaping

Location

The Mere Garage, Congleton Road, Marton, SK11 9HH

for **Rigby, J W Rigby Car & Commercial**

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 development hereby approved shall be carried out in total accordance with the approved plans numbered 149-03 Rev V and 0149-01 Rev iv received by the Local Planning Authority on 2.1.2019 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.

3. 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.

4. No development (other than agreed demolition and site clearance works) shall commence until:
 - (a) A Phase I Preliminary Risk Assessment has been submitted to, and approved in writing by, the Local Planning Authority (LPA) AND if required:
 - (b) A post demolition Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the LPA AND:
 - (c) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed 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.

5. A Verification Report prepared in accordance with the approved Remediation Strategy, shall be submitted to, and approved in writing by, the LPA, prior to the occupation of the development.

Reason: Actual and/or potential contamination has been identified as the proposed development is located on land that may be contaminated.

6. 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. Prior to first occupation/use of the development, confirmation should be provided to the LPA that no such contamination was found, and if so what remedial measures were agreed and implemented.

Reason: The actions are considered necessary as currently there is insufficient information available for the site.

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

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

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

9. Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be 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 taking place.

Reason: To safeguard protected species in accordance with the NPPF.

Informatives

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 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Prior to first development the developer will enter into and sign a Section 184 Agreement under the highways Act 1980 to close the existing vehicular crossing and reinstate the footway/grass verge to adjacent footway/grass verge levels with full kerb face and provide a new vehicular crossing over the adopted footway/verge in accordance with Cheshire East Council specification.

The developer should contact: CEHNorth@cheshireeasthighways.org

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.

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: 22 March 2019

Signed

A handwritten signature in black ink, appearing to read 'M. J. H.', is written over the word 'Signed'.

Authorised Officer for
Cheshire East Borough Council