

Notice of Outline Planning Permission

Mr Martin Downes
c/o Mr Russell Afzal
Initiatives Design Ltd
48 High Street
Weaverham
Northwich
CW8 3HB
Cheshire

Application Number:
18/02063/OUT

12 June 2019

Town and Country Planning Act 1990

Proposal: Outline planning permission with all matters reserved for the partial demolition and re-development of former research & development complex (Use Class B1.b) to create new offices (Use Class B1.a) with associated car parking, landscaping and other ancillary works

Location: Barhill Farm, Barhill Drive, Malpas, Cheshire, SY13 4QU



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. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

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

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

773.5

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

5. The development hereby approved shall not be commenced until details of a sustainable drainage system to serve the site, including a method and timetable of implementation and details of arrangements to secure the funding and maintenance of the drainage scheme for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage (SUDS) principles and an assessment of the hydrological and hydro-geological context of the development. The approved scheme shall be implemented wholly in accordance with the approved details and timetable and the approved drainage system shall be managed and maintained in accordance with the approved scheme permanently thereafter.

Reason: To ensure that surface water is managed in accordance with a SUDS based approach and to prevent an increased risk of flooding both on and off the site in accordance with Policy ENV1 of the Cheshire West and Chester Local Plan (Part One).

6. No development shall take place until a structured scheme to identify and remediate any risks associated with actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(a) A preliminary risk assessment which identifies:

- all previous uses on or within influencing distance of the site
- potential contaminants associated with those uses
- a conceptual model indicating the sources, pathways and receptors of contamination
- actual or potentially unacceptable risks arising from contamination.
- initial remediation options.

(b) As necessary having regard to the findings of component (a) above, a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived.

(c) As necessary having regard to the findings of component (b) above, remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken.

(d) As necessary having regard to component (c) above, A verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and effective and identifying any requirements for longer-term:- monitoring of pollutant linkages; maintenance, contingency actions and reporting.

The pre-development structured scheme shall be implemented wholly as approved.

Reason: To ensure that the health and well-being of people is not significantly adversely affected by ground pollution in accordance with Policy SOC5 of the Cheshire West and Chester Local Plan (Part One).

7. The development hereby approved shall not be occupied until a scheme of electric vehicle charging provision is submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and the electric vehicle charging infrastructure approved must be made available for use prior to the occupation of the development and remain available for use permanently thereafter.

Reason: In the interests of promoting sustainable modes of transport and reducing carbon emissions associated with transport and in accordance with Policy STRAT10 of the Cheshire West and Chester Local Plan (Part One) and the Parking Standards SPD.

8. The development hereby approved shall not be occupied until details of a scheme of bird boxes are submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of mitigating for the loss of breeding bird habitat and biodiversity enhancement in accordance with Policy ENV4 of the Cheshire West and Chester Local Plan (Part One).

9. Where hedgerow is proposed to be removed as part of any details of reserved matters submitted pursuant to condition 1 of this permission then details of a scheme of replacement hedgerow shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in full in the first available planting season following the occupation of the development or otherwise in accordance with a timetable which shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the development. If within a period of 5 years from the date of initial planting, any part of the hedgerow should, die, become diseased or seriously damaged then replacement hedgerow shall be planted in the next planting season with others of similar size and the same species.

Reason: In the interests of preserving protected habitats and biodiversity quality in accordance with Policy ENV4 of the Cheshire West and Chester Local Plan (Part One).

10. The development hereby approved shall be carried out wholly in accordance with the document entitled Reasonable Avoidance Measures for the Protection of Badgers and Badger Survey of Barhill Farm (Andy Harmer, 2017)

Reason: To ensure adequate protection to protected species in accordance with Policy ENV4 of the Cheshire West and Chester Local Plan (Part One).

11. Once development has commenced nobuildings shall be demolished on the site between 1 March and 31 August inclusive (bird nesting season) unless they have first been surveyed for nesting birds by a qualified ecologist and, if nesting birds are found, a scheme for the protection of nesting birds has been submitted to and approved in writing by the local planning authority. Once such a scheme has been approved, the removal of any trees or hedgerow within the bird nesting season shall only be carried out in accordance with the approved scheme.

Reason: In the interests of protecting protected species in accordance with Policy ENV4 of the Cheshire West and Chester Local Plan (Part One).

12. 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 falling within Schedule 2, Part 3; (Classes I) thereof shall be carried out without the grant of planning permission by the local planning authority.

Reason: To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy SOC5 of the Cheshire West and Chester Local Plan (Part One).

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. It is an offence under the Wildlife and Countryside Act 1981 to intentionally damage or destroy the nest of any wild bird whilst it is in use or being built thus it is strongly recommended that during 'bird breeding season' (1st March and 31st August inclusive) no vegetation clearance is undertaken unless it is first surveyed for birds by a suitably qualified ecologist.

Signed:

Date: 12 June 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, using a form which you can get 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.

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.