

Cheshire West & Chester Council

Notice of Planning Permission (Section 73)

Mrs Margaret McGuire
C/oHeine Planning Consultancy
Mrs Alison Heine
10 Whitehall Drive
Hartford
Northwich
Cheshire
CW8 1SJ

Application Number:
11/00912/S73

Building Control Ref:

10 June 2011

Town and Country Planning Act 1990

Proposal: Variation of conditions 1 and 2 and planning permission 06-1888-COU to enable permanent occupation of the site

Location: Green Meadows Chalet Park, Towers Lane, Alvanley, Frodsham, Cheshire,



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 use hereby permitted shall be carried on only by Ann Berry and Andrew Cash, Laura and Ashley Evans, Margaret McGuire, Renee Whitehouse and their resident dependants, and shall be for a limited period, being the period of two years from the date of the Committee decision namely 24 May 2013.

REASON: The use is only deemed acceptable as a temporary use within the Green Belt because of the personal circumstances of the applicants, in accordance with policies GS3 and H17 of the adopted Vale Royal Borough Local Plan First Review Alteration.

2. At the end of two years, or when the site ceases to be occupied by Ann Berry and Andrew Cash, Laura and Ashley Evans, Margaret McGuire, Renee Whitehouse and their resident dependants should this occur earlier, the use hereby permitted shall cease, all materials and equipment brought on to the site in connection with the use shall be removed, and the land shall be re-instated in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

REASON: The use is only deemed acceptable as a temporary use within the Green Belt because of the personal circumstances of the applicants, in accordance with policies GS3 and H17 of the adopted Vale Royal Borough Local Plan First Review Alteration.



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3. No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be static caravans or mobile homes) shall be stationed on the site at any time.

REASON: The use is only deemed acceptable as a temporary use within the Green Belt because of the personal circumstances of the applicants, in accordance with policies GS3 and H17 of the adopted Vale Royal Borough Local Plan First Review Alteration.

4. No further buildings or structures shall be erected on site without the prior written approval of the Local Planning Authority, or the submission of a further planning application.

REASON: The use is only deemed acceptable as a temporary use within the Green Belt because of the personal circumstances of the applicants, in accordance with policies GS3 and H17 of the adopted Vale Royal Borough Local Plan First Review Alteration.

5. Within 3 months of the date of this permission, an assessment shall be made of the viability and practicality of introducing a package treatment plant on the site, and submitted to the local planning authority to assess. If it is agreed that a plant is viable and practical then a approved scheme shall be introduced within a timescale to be agreed in writing with the local planning authority, and maintained for the life of the use hereby approved on the site.

REASON: To enable the option of introducing a better sewage treatment process onto the site to be examined (as indicated by the Environment Agency in the letter attached as an informative) , in the interests of amenity and pollution prevention in accordance with policies BE1 and P5 of the adopted Vale Royal Borough Local Plan First Review Alteration.

Notes

1. Informative - Reason for approval

This decision has been made having regard to policies in the Adopted Vale Royal Borough Local Plan First Review Alteration (June 2006), in particular, Policies BE1 (Safeguarding the Environment), GS3 (Green Belt), NE5 (Endangered Species) and H17 (Gypsy and traveller sites).

In its determination of this application Cheshire West and Chester Council, acting as the local planning authority, has given due consideration to the issues of Green Belt policy, alternative sites/need, impact on the surrounding area, personal circumstances, sustainability, nature conservation, public services, landscaping, business use and built development.

* Due consideration has also been given to the objections received through the consultation process for the application.

No direction has been given or opposing view expressed by the Secretary of State or Government Department.



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* The Council has also given due consideration to environmental information submitted by the applicant in support of the application.

2. ENVIRONMENT AGENCY RESPONSE

Thank you for consulting us with regards to the above application to vary conditions 1 and 2 of the above proposal.

We have no objection in principle to the proposed variation of conditions but would make the following comments.

The proposal indicates the site now has the benefit of mains electricity. If mains sewer connection is not economically viable then a package sewage treatment plant would be the preferred option for foul drainage.

The site is situated above the Principal Aquifer of the Sherwood Sandstone at rockhead, which is overlain by superficial deposits comprising glacial till. A nearby borehole log indicates that the till may be in the region of 10m thick in the area.

The site also lies within a groundwater Source Protection Zone 2 for a nearby public water supply abstraction.

Should a properly constructed and maintained package treatment plant and drainage field be proposed in this area it is unlikely that we would have any objections. It will, however, be necessary to undertake percolation testing in the area where it would be proposed to site any drainage field. This is to ensure that the natural ground has the capacity to receive the discharge. This is particularly important given the inherent low permeability of the drift geology.

Any installed system will need to comply with the requirements of the building regulations.

Any discharge to surface or ground water from such a system may require an environmental permit or exemption, which can be obtained from the Agency.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit from the Environment Agency. A groundwater activity includes any activity that may result in the input or mobilisation of pollutants into groundwater. It is possible to register with us certain small discharges of sewage effluent to ground (2 cubic metres per day or less) as exempt from permitting provided they satisfy specific criteria. Registration is free and further details can be obtained from our website or by contacting our Permitting Support Centre on 08708 506506.

If the proposals involve the use of waste for construction purposes there may be a requirement for an environmental permit or exemption to be obtained from the Agency.

Planning Liaison Officer
ENVIRONMENT AGENCY

Direct dial 01925 543361
Direct e-mail stephen.sayce@environment-agency.gov.uk

Cheshire West & Chester Council

Signed:

Date: 10 June 2011



Chris Hindle

 Head of Planning & Transport, Cheshire West and Chester Borough Council,
Planning Service, Wyvern House The Drummer Winsford CW7 1AH

Please read the notes on the following page, they will explain your rights and other important matters about this decision.



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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, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0117 372 6372)

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.

OTHER IMPORTANT POINTS TO NOTE.

Under the provisions of Circular 04/2008 entitled Planning-Related Fees standard national fees of £25 for householder developments and £85 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.

