



North Warwickshire
Borough Council

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Date: 6 November 2018

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Major Outline Application

Application Ref: PAP/2017/0108

Site Address

24-26, Atherstone Road, Hartshill, CV10 0SP

Grid Ref:

Easting 432651.21
Northing 294701.85

Description of Development

Outline Application - demolition of existing industrial building and construction of 10 dwellings with associated access and parking

Applicant

Mr A Johnston - D S Johnston Properties Ltd

Your planning application was valid on 5 April 2017. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

Standard Conditions:

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-

(c) landscaping

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

Authorised Officer: 

Date: 6 November 2018

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan and elevations received on 2 March 2017, the site layout plan 7539/150D received on 23 May 2018 and the street scene 7539/450C received on 24 July 2018.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-Commencement Conditions:

5. No development shall be commenced on site until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The public highway shall not be used for the purposes of loading and unloading materials associated with the construction of the development.

REASON

In the interests of highway and traffic safety.

6. No development shall commence on site until measures for the prevention and minimisation of the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material have first been submitted to and approved in writing by the Local Planning Authority Only the approved measures shall then be used on site.

REASON

In the interests of highway and traffic safety.

7. No development shall commence on site until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highways and traffic safety.

Authorised Officer: _____



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8. No development shall commence on the site until detailed surface and foul water drainage schemes based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. Only the approved schemes shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution.

9. No development shall commence on site until remediation measures for decontamination of the site have first been submitted to and approved in writing by the local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Pre-Occupation Conditions:

10. None of the ten units hereby approved shall be occupied until the whole of the access and car parking arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority. The car parking provision shall remain permanently for this use alone.

REASON

In the interests of highway and traffic safety.

11. No unit shall be occupied until a footway extension fronting the site between No's 22 and 28 has been provided in general accordance with the approved drawing. The footway shall not be constructed so as to reduce the width of the existing carriageway.

REASON

In the interests of highway and traffic safety.

12. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highways and traffic safety.

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Other Conditions:

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be subsequently amended, no development within Classes A, B and C of Part 1 of Schedule 2 to that Order shall commence on site.

REASON

In order to protect the residential amenity of surrounding occupiers.

14. The use hereby approved shall not take place other than between 0800 to 1800 hours during weekdays and 0800 to 1300 hours on Saturdays with no work on Sundays and Bank Holidays.

REASON

In order to protect the residential amenity of surrounding occupiers.

15. Access for vehicles to the site from the public highway (Atherstone Road) shall not be made other than at the position identified on the approved drawing, number 7539/150D. The access shall not be used until a bell-mouth has been laid out and constructed within the public highway in accordance with the specification of the Highway Authority. No gates shall be hung within the vehicular access to the site.

REASON

In the interests of highway and traffic safety.

INFORMATIVES

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision and resolving a number of planning impacts through amended plans.
2. Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be obtained from Warwickshire County Council as Highway Authority.
3. In respect of condition (5) above the schemes shall be submitted with evidence of infiltration testing in accordance with BRE 365 guidance; design in accordance with CIRIA C753, discharge rates by all rainfall events up to and including the 100year plus 40% critical storm limited to the QBAR runoff rates for all return periods, design of all details (plans, network details and calculations) and outfall arrangements. Evidence from STW concerning acceptance of foul water discharge, allowances for exceedance flow and overland flow routing as well as provision of a maintenance plan for the entire surface water and foul water.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Authorised Officer: _____



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APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. 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.
5. 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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she 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.
2. 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/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

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