



WARWICK DISTRICT COUNCIL

Notice of Decision of District Planning Authority

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015

Mrs Karin Harley
Delta Planning
Cornwall Buildings
45 Newhall Street
Birmingham
B3 3QR

Outline Planning Permission :
GRANTED

Application Reference: W/19/1030
Helena.Obremski@warwickdc.gov.uk

Notice is hereby given that Outline Planning Permission is GRANTED for:

Outline planning application for a proposed Primary School and Secondary School with 6th Form, sports pitch provision including flood lights, land for use as a Country Park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

at Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Leamington Spa

for AC Lloyd (Homes) Ltd in accordance with the application submitted on 03/07/19.

Subject to the following condition(s):

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. The landscaping plans should be informed by the results of the archaeological evaluation secured by condition 12. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall be carried out strictly in accordance with the parameters plan 0301 Rev P-07, and specification contained therein, submitted on 19th September 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

- 5 No development of the school playing field area shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing fields which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing fields will be provided to an acceptable quality and within an agreed timeframe. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the timeframe agreed with the Local Planning Authority pursuant to (ii) above. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme. **REASON:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord Warwick District Local Plan policy HS5.

Pre-Commencement Condition:

- 6 Each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any updated surveys that may be required due to the time elapsed between the original survey and the anticipated commencement of development; monitoring for protected and notable species, as deemed appropriate; plus necessary working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 - 2029.

Pre-Commencement Condition:

- 7 Each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE2 of the Warwick District Local Plan 2011 - 2029.

Pre-Commencement Condition:

- 8 No reserved matters application shall be submitted more than 18 months after the completion of each of the protected species surveys that were submitted as part of the outline planning application unless and until:

- (a) an updated survey for that species has been carried out; and
- (b) a report detailing the results of the survey and any recommendations in relation to mitigation measures or restrictions on the layout of the development has been submitted to and approved in writing by the local planning authority.

Any mitigation measures approved under this condition shall be implemented in full. Any reserved matters application shall accord with these mitigation measures.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development.

Pre-Commencement Condition:

- 9 1. No phase of development shall take place until: -
- (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements

- (b) The site investigation for that phase has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements for that phase, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the phase shall accord with the approved method statement.
 3. If during development of that phase, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
 4. Upon completion of the remediation detailed in the method statement for that phase a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON : To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

10

No phase of the development hereby permitted (including any works of demolition) shall commence unless and until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for:

- A construction phasing plan
- A HGV routing plan
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation

determined using IAQM guidance

- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

11

No development shall take place across the area of the site identified in the document entitled "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in blue on the figure titled 'W/19/1030 – Archaeological Plan' until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with the approved Archaeological Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

12

No development works, including planting and other landscaping, shall take place across the area of the site that was **not** evaluated and identified within the "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in pink on the figure titled 'W/19/1030 - Archaeological Plan' until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across that area has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of any development works, including landscaping across the area highlighted in pink on figure titled 'W/19/1030 - Archaeological Plan' and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and/or protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

13

No phase of the development shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the phase of development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and

including the 100 year plus 30% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.

- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.

Pre-Commencement Condition:

- 14 No phase of development shall commence until details of foul water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

- 15 No phase of development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards for that phase will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011 - 2029.

Pre-Commencement Condition:

- 16 The school development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The school development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the

Local Planning Authority. **REASON:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

17 No phase of the development hereby permitted shall be occupied until a scheme for that phase which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

18 No phase of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

19 No lighting shall be installed on any phase of the development until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The details must include:

- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
- mounting heights and beam orientation, description and type of luminaires / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System).
- purpose of the lighting – e.g. general amenity , security, advertising.
- how the lighting has been designed to mitigate harm to protected species.

The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 20 No development or other operations (including demolition, site clearance or other preparatory works) shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site, Tach Brook, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a buffer zone of at least 8 metres between the development and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. It should be ensured that there is no contamination of the watercourse either during or after development. **REASON:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 21 No development or other operations (including demolition, site clearance or other preparatory works) shall commence on any phase of the development unless the tree protection measures identified in the approved application documentation for that phase have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 22 No part of the education phase shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-02 Rev D. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 23 No part of the development shall be occupied until the detailed drawings for the layout of the junction arrangements have been laid out, constructed and implemented in accordance with drawing 20232-04. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 24 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for each phase of development within the first planting season following the first use of

the dwellings or buildings in that phase, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of each phase shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 25 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 26 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **REASON:** To ensure the provision of adequate affordable housing in accordance with the advice contained within the National Planning Policy Framework and Policy H4 of the Warwick District Local Plan 2011-2029.
- 27 The building heights shall not exceed the heights set out in the approved parameters plan 0301 Rev P-07. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 28 Prior to the approval of any reserved matters application a scheme of mitigation for the relevant phase of development including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To provide a satisfactory noise

environment for the future occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.

29 The sports pitches shall not be used after 21:00 and before 08:00, except for the pitches shown on drawing 0305 P-00 submitted to the Local Authority on 27th September 2019 which shall not be used after 21:00 and before 07:00 Monday - Friday inclusive and before 08:00 Saturday and Sunday. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

30 No occupation and subsequent use of each phase of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of that phase of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with FW2 of the Warwick District Local Plan 2011 - 2029.

31 Neither of the schools hereby permitted shall be occupied unless and until a School Travel Plan for that school has been submitted to and approved in writing by the local planning authority. The School Travel Plans shall be implemented in strict accordance with the approved details and once implemented shall not be withdrawn or amended. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

Your attention is drawn to the following notes:

Note 1 Natural England inform that general guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and recommend that this is followed.

Note 2 The CEMP must be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. Chapter 10 of this document 'Implementation of development: biodiversity on construction sites' outlines what should be included in a CEMP.

Note 3 In light of the nearby records and suitable habitat nearby, and the nature of the development, care should be taken when clearing the ground prior to development, and if evidence of otters (spraints, footprints, holts) or water voles (droppings, footprints, burrows) are found, work should stop while WCC Ecological Services or Natural England is contacted. Otters and their holts (place of rest) are protected under the 1981 Wildlife & Countryside Act and the Conservation of Habitats and Species Regulations 2010 so are therefore deemed a European Protected Species. Water voles and their burrows (place of rest) are protected under the 1981 Wildlife &

Countryside Act. Water voles are also a UK and Local BAP species.

Note 4 Severn Trent Water advises that there is a 225mm public pressurised sewer located within the application site. No build is permitted over this. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Note 5 In discharging condition 19 the Local Planning Authority expects lighting to be restricted on the north west side of the barn conversion and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Note 6 WCC Public Health has produced a document "Promoting Health & Wellbeing Through Spatial Planning" to provide advice and guidance on how well design places can promote healthy, active and sustainable communities. This should influence the design phases of the development. WCC Public Health are keen to be involved in the design stages of the development.

Note 7 The Tach Brook flows along the western boundary of the site. Whilst the submitted plans show the development site to be located within Flood Zone 1, the Environment Agency would require the developer to take into account the watercourse and its corridor when designing the layout of the site prior to submission of the reserved matters application. The Environment Agency would expect an 8m buffer from the top of bank to any built development along this watercourse.

Note 8 Any connection or alteration to an Ordinary Watercourse will require Ordinary Watercourse Land Drainage Consent from WCC as Lead Local Flood Authority.

Note 9 The development to which this notice of decision relates is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the decision notice and legal agreement should be read together.

Note 10 The landscaping team designing the layout of the Country Park should liaise with WCC Archaeology in respect of the archaeological

requirements of the respective conditions.

The Council positively encourages potential applicants and their representatives to take up the pre-application services offered by the Council. In reaching this decision the Council has sought, via the offer of the provision of pre-application advice, to work proactively with the applicant(s) and their representatives in order to foster the delivery of sustainable development, in accordance with the requirements of the National Planning Policy Framework.

Dated: 01/06/2020

Principal Planning Officer
(Authorising Officer of the Council)



Date Dispatched: 01/06/2020

Any pre-commencement conditions listed on this decision notice must be discharged **before works commence on site**. Failure to do this may mean implementation of planning permission is unlawful.

IT IS IMPORTANT THAT YOU READ THE ATTACHED ADVICE TO APPLICANTS.



DEVELOPMENT SERVICES
DEVELOPMENT MANAGEMENT SECTION

Advice Notes to Applicants following grant of permission

These notes clarify the further requirements you may need to comply with before a permission is implemented and explain any relevant appeal procedures. Please read these notes carefully.

1. **Community Infrastructure Levy (CIL)**

Applicants are reminded of their responsibility to ensure that they check whether the development hereby permitted is CIL liable and if so comply with the procedure for completing and submitting the relevant forms as set out on the Council's website.

If you have any queries, contact Warwick District Council's CIL Officer via CILAdmin@warwickdc.gov.uk or 01926 456066.

2. **Discharge of Conditions**

It is necessary to comply with all conditions on the Notice of Decision. Failure to do so may result in formal action being taken against you by the Council. If you wish to discuss the conditions, please contact the Case Officer who dealt with the application. If you don't have the contact details to hand, the relevant name and direct line telephone number can be found by using the planning application search facility provided on our website www.warwickdc.gov.uk.

- Where the request relates to a permission for development which falls within category 6 or 7(a) of Part 2 to Schedule 1, £34 for each request.
- Where the request relates to a permission for development which falls within any other category of that Schedule, £116 for each request.

Any fee paid under this regulation shall be refunded if the local planning authority fails to give the written confirmation requested within a period of twelve weeks from the date on which the authority received the request.

3. **Variations to Approved Plans**

This decision relates only to development in complete accordance with the plans hereby approved and any conditions imposed. Should you wish to make any variation to these plans for any reason (including the need to comply with Building Regulations) you should discuss the matter with the Case Officer before carrying out the work affected by the variation, as a further application may be required however small the amendment may appear to be. Failure to comply may result in Enforcement Action, or Prosecution in the case of unauthorised works to Listed Buildings.

- £34.00 if the application is a householder application
- £234.00 in any other case

4. **Separate Building Regulations Approval**

The approval does not imply permission under the building regulations. A separate application may be required and you should obtain any appropriate consent before carrying out the work. For advice regarding this, please contact the Building Control Section during normal office hours. Tel. (01926) 456551.

5. **Appeals to the Secretary of State**

You can submit your appeal electronically via www.gov.uk
This also allows you to track progress of your appeal online.

You can also obtain the appeal forms from: The Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay, Bristol.
BS1 6PN
Tel: 0303 444 5000

- In relation to applications for Householder development, you have **TWELVE WEEKS** from the date of the decision notice.
- In relation to applications for *i. Planning Permission (non-householder), ii. Reserved Matters and iii. Discharge of Conditions* you have up to **SIX MONTHS** from the date of the notice of the decision or determination giving rise to the appeal.
- Advertisement Consent appeals should be made within **EIGHT WEEKS** from the date of the decision notice.
- In relation to Listed Building or Conservation Consent you have up to **SIX MONTHS** from the date of receipt of the decision notice.
- In relation to applications for minor commercial development, you have **TWELVE WEEKS** from the date of this notice.

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.

If you wish to discuss the appeal procedure then contact the Case Officer. If you wish to discuss whether there is any opportunity to resolve the issue, for example, by the submission of a further application then contact the Case Officer who dealt with the application.

6. **Disabled Access and Facilities**

The provisions of Part M of the Building Regulations 1991 (as amended) applies to all new buildings including dwellings and, in certain instances, extensions to buildings. You are advised to contact the Building Control Section for further advice.

7. **Purchase Notices**

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 the land has become incapable of a reasonably beneficial use. In these circumstances, the owner may serve a purchase notice on the Council seeking to require the Council to purchase the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

8. **Demolition of all Buildings**

Any persons wishing to undertake demolition should notify the Council as required by Section 80 of the Building Act 1984. Such applications should be made to the Building Control Section 6 weeks prior to any demolition taking place.

9. **Listed Building Demolition**

Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the District Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, The National Monuments Record Centre, Kemble Drive, Swindon, SN2 2GZ - Tel. 01793 414715, and officers of English Heritage subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A copy of form STAT.E, on which you may notify English Heritage of the proposal to demolish the building, is enclosed, where needed.

10. **Works within the Public Highway**

It is pointed out that if construction work will involve excavation in the highway for the construction of a vehicular access crossing or for the connection of services it will be necessary to obtain the approval of the County Highway Authority before work commences in the highway. Permissions are also necessary for the erection of scaffolding, or a hoarding, or the storage of materials on the highway. The County Highways Customer Advice Centre can be contacted on 01926 412515. Particularly in Conservation Areas and on busy traffic routes, apart from in exceptional cases, permissions for the storage of materials or the closure or partial closure of roads for construction purposes will be resisted. The design of the building and subsequent programme of construction should therefore be based on the need to make provision for all materials and construction plant to be contained within the curtilage of the site.

11. Public rights of way must remain open and available for public use at all times unless closed by legal order. The applicant must make good any damage to the surface of any public right of way caused during works. If it is proposed to temporarily close any public right of way during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance. Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.

12. **The Party Wall etc. Act 1996**

If you intend to carry out building work which involves:-

- work on an existing wall shared with another neighbour
- building on the boundary with a neighbouring property
- excavating near a neighbouring building

you must find out whether that work falls within the Act. If it does, you must notify all affected neighbours. Further information can be found on the [Party Wall Act pages on GOV.UK](#).

13. **Flues/Vents/Extraction Systems on Domestic Dwelling Houses**

Whilst planning permission may not be required for minor items such as modest

flues, outlets for gas installations, kitchen extract systems or ventilation outlets to equipment such as tumble dryers, in order to avoid the potential for causing nuisance to neighbours you should ensure, together with your installation engineer or builder, that any newly installed or relocated outlets are directed so that the plume produced – often only visible during very cold weather – is not discharging over neighbouring property. The Council has powers to address a statutory nuisance from fumes and/or odour if this advice is not followed, which could result in significant post installation costs from the relocation or redirection of the outlet to your system. It is also always best to check first with the relevant Area Team (numbers previously given in 2) whether planning permission is required for such an installation. Building Regulations permission may also be required.

14. **Considerate Constructors Scheme**

Warwick District Council would encourage the developer to voluntarily register with the Considerate Constructors Scheme and agree to abide by the Code of Considerate Practice, designed to encourage best practice beyond statutory requirements in order to care about appearance, respect the community, protect the environment, secure everyone's safety and value workforce. For more information please refer to the website: <https://www.ccscheme.org.uk/>

15. **Construction Site Working**

Construction works have the potential to cause nuisance to neighbouring residents such as noise from use of plant and equipment, activity at unsociable hours, delivery vehicles blocking roads, dust from site working, bonfire and deposit of mud and/or dust on the roads. To minimise nuisance, it is recommended that:-

- Work which is likely to give rise to noise off-site should be restricted to the following hours:- Mon-Fri 7.30 am – 5 pm, Sat 7.30 am – 1 pm. No working Sundays or Bank Holidays.
- Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon-Fri, 8 am – 1 pm Sat and not on Sundays or Bank Holidays.
- "Best practicable means" shall be employed at all times to control noise and dust on site.

If you require more specific advice on the above two matters please contact the Environmental Health Department on 456725 or email ehpollution@warwickdc.gov.uk.

16. **Street Naming and Numbering**

All new developments, infills of additional properties and property conversions require new addresses to be issued by the District Council, in accordance with the Public Health Act 1925 and the Town Improvements Clauses Act 1847. To arrange for an address to be issued contact Street Naming and Numbering on 01926 456510 or email at snn@warwickdc.gov.uk after construction work has commenced and before completion.

16. **Pest Infestation & Disease Transmission**

In order to minimise the risks of pest infestation and disease transmission during the demolition and construction of buildings, please be aware of the

importance of ensuring that that the planning and design of new projects do not create additional avoidable problems, and to recognise and minimise risk to ensure that they do not create conditions that encourage and support pest infestation. The Local Authority would expect property design to include avoidance of harbourage, water filled drainage ditches and the blocking off of drainage systems and other structural components when necessary. A document has been produced by the Chartered Institute of Environmental Health called *Pest Minimisation* as a guide for best practice for the construction industry.

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