

PERMISSION WITH  
CONDITIONS

REF: SDC/16CC004



**TOWN & COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015  
NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY**

To: Mr Rob Leahy, Warwickshire County Council, Rural Services, Communities Group, Shire Hall, PO Box 46, Warwick, CV34 4SX

The **WARWICKSHIRE COUNTY COUNCIL** having considered the application for the change of use of land from redundant highway to an emergency stopping place (transit provision) for up to 12 touring caravans and towing vehicles (renewal of Application SDC/13CC021) at the former Road Chipping Store Adjacent to Daventry Road (A425), Southam, Warwickshire. [Grid ref: 443195.261762] made by you on behalf of the County Council under Regulation 3 of the Town and Country Planning General Regulations 1992 and deposited with the County Council on 19 April 2016

**HEREBY GIVE YOU NOTICE** that **PERMISSION** is **GRANTED** for the above mentioned development subject to the following conditions:-

**COMMENCEMENT DATE**

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

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

**GENERAL OPERATIONS**

2. The development hereby permitted shall be carried out in accordance with drawing number 3.5--028-010 Rev A submitted to the County Planning Authority on 19th April 2016 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason:** In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. The development hereby permitted shall not be commenced until a schedule of all boundary treatments to be located around the site's boundaries has been submitted to and approved in writing by the County Planning Authority. These details shall include fencing

design type and access gate type and materials, external colour, height and length and location. The development shall then be carried out in full accordance with the said approved schedule prior to the site's first occupation.

**Reason:** In order to ensure the satisfactory appearance of the completed development.

4. The development hereby permitted shall not be commenced until a suitable landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include a planting plan showing existing trees to be retained along with new planting, written specifications and schedules of plants/trees noting their locations, species, sizes and proposed numbers and densities. Once approved the scheme shall be implemented.

**Reason:** To ensure the satisfactory appearance of the completed development.

5. The landscaping scheme approved pursuant to Condition 4 of this permission shall be implemented in the first planting season following the completion of the development hereby approved and, unless otherwise agreed in writing by the County Planning Authority, should any plants, trees or shrubs planted as part of the landscaping scheme die, be removed or become damaged or seriously diseased within five years of the initial planting then they shall be replaced in the next planting season with others of a similar size and species.

**Reason:** To ensure the satisfactory appearance of the completed development.

6. The development hereby permitted shall not be commenced until a suitable scheme for the provision of site facilities is submitted to and approved in writing by the County Planning Authority. This scheme should include the location of and type of toilet facilities, the number of toilets to be provided, the frequency of delivery and collection of toilet facilities to and from the site and the location of a water source to provide for drinking water on site. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the site's use.

**Reason:** To ensure that the site provides suitable facilities for its intended use.

7. The site shall remain locked and secured when the site is unoccupied and the access gates shall only be operated by the person or agents of the person having control of the site.

**Reason:** To ensure the security of the site against unauthorised trespass.

8. No person shall occupy the site more than once in any 12 month period or occupy it for more than 28 consecutive days.

**Reason:** In order to define the exact details of the planning permission.

9. The site shall accommodate no more than 12 caravans and 12 parked vehicles at any given time and all caravans and parked vehicles shall be kept within marked bays.

**Reason:** In order to define the exact details of the planning permission.

10. No external lighting shall be installed on site without the prior written approval of the County Planning Authority and in accordance with the details of such approval.

**Reason:** To ensure that the site does not adversely impact upon the surrounding landscape through visual impact and/or light pollution.

11. The development hereby permitted shall not be commenced until a suitable culvert management scheme has been submitted to and approved in writing by the County Planning Authority. This scheme shall provide details of screens to be fitted to the culvert, the location of such screens and a maintenance plan to ensure the culvert remains free of debris. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the site's use.

**Reason:** To reduce potential flood risk and to ensure occupants safety.

12. The development hereby permitted shall not be commenced until a suitable refuse management scheme has been submitted to and approved in writing by the County Planning Authority. This scheme shall provide details of the type and size of refuse storage containers, the number of containers to be provided on site, the frequency of collection and emptying of containers and arrangements regarding the delivery of refuse storage containers when the site is occupied. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the site's use.

**Reason:** To ensure that waste generated by the development is suitably disposed of and does not detrimentally impact upon the local environment.

13. The development hereby permitted shall not be commenced until a waste water and sewerage management scheme has been submitted to and approved in writing by the County Planning Authority. This scheme shall include the type and capacity of waste water and sewage collection storage, the location of storage provision and the frequency of maintenance and emptying of storage contents. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the site's use.

**Reason:** To ensure that waste water and sewage generated by the development is suitably disposed of and does not detrimentally impact upon the local environment.

14. Before the site is first brought into use the western access shall be improved in accordance with a scheme which shall first be submitted to and approved in writing by the County Planning Authority.

**Reason:** To ensure that suitable vehicle access is provided and highway safety is maintained.

15. The development hereby permitted shall not be commenced until a scheme for the provision of a vehicle turning area within the site has been submitted to and approved in writing by the County Planning Authority. Once approved, the turning area shall be implemented in full prior to the first occupation of the site and shall remain unobstructed for the duration of the site's use.

**Reason:** To ensure that vehicles access and egressing the site are able to do so in a forward manner.

16. The development hereby permitted shall not be commenced until caravan pitches and parking spaces have been marked out with white paint on site in accordance with approved drawing number 3.5--028-010 Rev A. Once implemented, the marked areas shall be maintained for the duration of the site's use.

**Reason:** To ensure that the site is used in the approved form.

17. The site shall be used for residential purposes only.

**Reason:** To ensure that no activities take place from the site that may cause detrimental impacts to surrounding land uses and other occupants.

18. Notwithstanding the details shown on the submitted plans the earth mound located immediately to the west of the existing hard standing used to store road chipping materials shall not be disturbed and shall be excluded from the site by fencing provided in accordance with condition 3 of this permission.

**Reason:** In order to preserve the ecological interest of the site.

19. The site shall not be brought into use until advance warning signs have been installed in the highway verge on both sides of the A423 alerting motorists to the presence of the site and the potential for vehicles to be turning into the site, all in accordance with full design details and in locations which shall have first been submitted to and approved in writing by the County Planning Authority.

**Reason:** In the interests of highway safety.

20. The gates to be installed at the entrance to the site shall be so installed as to allow a minimum distance of 15 metres from the edge of the public highway to the position of the gates. The gates shall be designed so as not to open over this space.

**Reason:** In the interests of highway safety and to ensure that there is sufficient space to allow a vehicle and trailer to leave the public highway without overhanging the highway.

## **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION**

### **Stratford-on-Avon Core Strategy**

**Policy CS.1 Sustainable Development**

**Policy CS.2 Climate Change and Sustainable Construction**

**Policy CS.4 Water Environment & Flood Risk**

**Policy CS.5 Landscape**

**Policy CS.6 Natural Environment**

**Policy CS.9 Design and Distinctiveness**

**Policy CS.12 Special Landscape Areas**

**Policy CS.13 Areas of Restraint**

**Policy CS.15 Distribution of Development**

**Policy AS.10 Countryside & Villages**

**Policy CS.20 Gypsies and Travellers and Travelling Show-people**

**Policy CS.25 Transport and Communications**

**STATEMENT REQUIRED BY ARTICLE 31(1)(CC) OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.

**Notes:**

**Nesting Bird Note:**

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

**Reptile and amphibian note:**

In view of the nearby records and suitable habitat for great crested newts, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

**Native planting note:**

The applicant is respectfully advised that if additional planting is proposed for the site, indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants.

**Hedgehog note:**

In view of the nearby records and suitable habitat on site, care should be taken when clearing the ground prior to development, particularly piles of deadwood/leaves/bonfire mounds. If evidence of hedgehogs is found, work should stop while WCC Ecological Services or Natural England is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required

DATED... 19 August 2016

  
Chief Executive

Shire Hall  
Warwick  
CV34 4RL

**IT IS IMPORTANT THAT YOU READ  
THE NOTES AT THE END OF THIS NOTICE**

**NOTES:-**

1. If the Applicant is aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from **The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0117 372 6372, Fax: 0117 372 8782)**). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the County Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by the County Planning Authority, having regard to the statutory requirements\*, to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the County Planning Authority was based on a direction given by him.
  2. If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
  3. In certain circumstances, a claim may be made against the County Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
- \* The Statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.