



Notice of Decision

PERMISSION

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure) Order, 2015

Steve Bromley
Bromley Planning
189 Evesham Road
Stratford Upon Avon
CV37 9BS

THE STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

The Willows , Top Street, Northend, CV47 2TW

Submitted by: Mr Simon O'Brien O'Brien Developments Ltd

Received by the Council on 25 April 2018

HEREBY GIVE YOU NOTICE that PLANNING PERMISSION is GRANTED for the following development, namely:-

To vary Condition 2 :-

To permit the construction of garages for plots 2 and 3 and to amend the design of the garage on plot 1

Include within condition 2 reference to the following drawings: 166:15:20G and 166-15-51B

Subject to the following condition(s) and reason(s), namely:-

1. The development hereby approved shall be carried out in accordance with the following plans and drawings -

166-15-12 Location Plan,
166:15:20G (Revised Site Layout)
18398-01A Visibility Splays,
166:15:21E Scheme Design Plots 2 and 3 and
166:15:09F Scheme Design Plot 1.
166:15:52 (Proposed Garage Sections Dated: 18.09.2018),
166-15-51 Rev D (Scheme Design Garages Dated: 22/02/2018)

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031).

Case Officer: Joe Brooke
Reference No. 18/01209/VARY



2. The materials to be used externally on the development hereby permitted shall comply with the details as submitted in the Materials Schedule received on 12.09.2017 and discharged on 09.11.2017.

The materials to be used for the garages hereby permitted shall comply with the details and specifications as referenced on the adopted Plans, namely: Scheme Design Garages, Drawing No: 166-15-51 Rev D

The Local Planning Authority considers these materials to be acceptable and other materials have not been submitted for consideration, in accordance with Policy CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

3. The development shall be carried out in accordance with the soft landscaping details identified on Landscape Plan W-1 dated 10.08.17 and discharged on 09.11.2017. The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed, or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, this shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced in accordance with Policies CS.5 and CS.9 of the adopted Stratford-on-Avon Core Strategy 2011-2031).

4. The development shall be carried out in accordance with the scheme for surface water disposal, drawing number 8941/1 by Richard Strauss June 2017. The development shall be implemented in accordance with such approved details prior to the first occupation of the dwellings hereby permitted and shall be retained and maintained thereafter.

Reason: In order to safeguard against surface water runoff onto the County Highway and adjoining land as well as pollution in accordance with Policy CS.4 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

5. The development shall be implemented in accordance with the visibility splays shown on plan number 18398-01A prior to the first occupation of the dwellings hereby permitted and shall be retained and maintained thereafter. 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: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

6. The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

Reason: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

7. The access for the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

Reason: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

8. Any gates or other features shall be set at least 7.5m metres from the metalled surface of the carriageway and shall be fixed in such a manner that they shall open inwards or fixed in such a manner that no part when open is within 6 metres of the carriageway.

Reason: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

9. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

10. Prior to the first occupation of the dwellings hereby approved, the bin storage area shown on plan number 166:15:20F shall be created. It shall be retained and maintained for such purposes thereafter.

Reason: To ensure safe access to the site in accordance with the provisions of Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

11. No part of the development hereby permitted shall be occupied until the parking spaces shown on approved drawing no. 166:15:20F for the parking of 10 cars has been constructed. These spaces shall thereafter not be used for any other purpose.

Reason: To ensure that safe and convenient parking is provided in accordance with Policy CS.26 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

12. The development shall be implemented in accordance with the scheme for the location of nesting provisions for swifts as described in Swift Nest Box Information 166:15:17 dated 25.08.2017 and Scheme Design 166:15:09G dated 08.02.2017, as discharged on 09.11.2017. Thereafter the nesting provisions shall be installed and retained in accordance with the approved details

Reason: To enhance the nature conservation value of the site in accordance with Policy CS.6 of the Core Strategy.

13. The development hereby approved shall be carried out in full accordance with the arboricultural method statement produced by Tree Safe and submitted on 05.10.16 (survey taken 10.12.15 and 13.12.15). All the tree protection measures set out in the arboricultural method statement shall be put into place prior to the commencement of development and shall remain in place until all external building works and driveway construction works have been completed.

The existing trees shown to be retained on the plans hereby approved shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as agreed in writing by the Local Planning Authority.

Reason: To ensure the well-being of the trees to be retained and continuity of tree cover and, maintaining and enhancing the quality and character of the area in accordance with Policy CS.5 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

14. The dwelling hereby approved shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for the approved dwelling, in accordance with the Council's bin specifications.

Reason: To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

15. No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.

Reason: To encourage the re-use of water resources in accordance with the provisions of Policy CS.4 of the Stratford-on-Avon District Core Strategy (2011-2031).

16. Before the first occupation of the development hereby approved, the first floor windows on the western and eastern (side) elevations of plots one, two and three shall be fitted with obscured glazing (minimum of level 3 obscure glass) and shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking and loss of privacy to neighbouring properties in accordance with the provisions of Policy CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 1 Classes A, B, C and E of Schedule 2 to that Order shall be carried out without planning permission granted by the Local Planning Authority.

Reason: to prevent harm being caused to the amenity of the area in accordance with the provisions of Policies CS.1 and CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

18. The garages hereby permitted shall be used for the purposes of parking vehicles and for no other purposes (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification.

Reason: Other uses within that Use Class may not be acceptable to the Local Planning Authority in this location having regard to the character and amenities of the area (and sustainability objectives) in accordance with Policy C.S5 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

Reference No. 18/01209/VARY

Notes to Applicant

1. The Local Planning Authority has taken into account the National Planning Policy Framework, including paragraph 38 which detail the need to work positively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. Some conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days' or less, ten days' notice will be required. For works lasting longer than ten days', three months' notice will be required.

3. Please note, the landscaping should sufficiently screen the bin storage area.

DATED 26 October 2018



AUTHORISED OFFICER OF THE COUNCIL.....

This permission does NOT give approval under Building Regulations.

This permission does NOT convey any approval or consent which may be required under any enactment, by-law, order or regulation other than planning permission under the provisions of the Town and Country Planning Act 1990.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

STRATFORD-ON-AVON DISTRICT COUNCIL
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX

Reference No. 18/01209/VARY

PRE-START CONDITIONS

You are reminded that some of the conditions attached to planning permissions (pre-start conditions) require details and schemes to be submitted and approved in writing before any work commences on site. You should therefore submit any details required at least 8 weeks prior to starting work and obtain the Council's written approval, if required, in order to comply with the planning condition.

Failure to comply with pre-start conditions may result in your planning permission being void.

FEES FOR THE DISCHARGE OF PLANNING CONDITIONS

In accordance with Statutory Instrument 958, a fee is now payable where a written request is made for the discharge of one or more planning conditions on the same permission or for the written confirmation of compliance with a planning condition or conditions. Further guidance on this process together with the associated fees is available on the Council's website

<https://www.stratford.gov.uk/planning-regeneration/the-application-process.cfm>

APPEALS TO THE SECRETARY OF STATE

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 Planning Inspectorate 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. For appeals against the refusal of Householder applications (i.e.: works to a dwelling or development within the garden of a dwelling) or Minor Commercial Development you must lodge your appeal within **12 weeks** of the date of the decision.

If the development is the same (or substantially the same) as that specified in an Enforcement Notice served on the same land, an appeal must be lodged within

- A) 28 days of the date of the planning decision if there is an extant Enforcement Notice served up to 2 years prior to the date of the decision
- B) 28 days of the date of the Enforcement Notice if the Notice is served after the date of the decision of the planning application for the same development

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate can allow a longer period of 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 Planning Inspectorate 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 Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Planning Inspectorate refused 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 Council (District Council, London Borough Council or Common Council of the City of London) 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.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town and Country Planning Act 1990.

ADDRESSING YOUR NEW BUILDINGS

When you require the address(es) for this development contact "Street Naming and Numbering" at Stratford-on-Avon District Council, either by post or email 3720snandn@stratford-dc.gov.uk. You need to do this 6 weeks before utility contacts are required.

There will be an administrative charge for this service.

Information to include in your request can be found on www.stratford.gov.uk