

PLANNING PERMISSION

Town and Country Planning Acts
Town and Country Planning General Development Orders

To: Savage Hayward

Of: 19 Station Road, Hinckley, Leicestershire LE10 1AW

For: Cartwright Homes Ltd, The Vicarage, Vicarage Street, Nuneaton

The Council, having considered the application registered on 4 August 2009 for permission to carry out development at:

Former Fox & Crane, 263 Weddington Road, Nuneaton, Warwickshire

gives notice that **PERMISSION IS GRANTED** for:

**Erection of 19 dwellings and convert existing building into 6 apartments,
to include part demolition of existing building.
(Amendment to approval 012392)**

Relevant Policies:

Nuneaton & Bedworth Borough Local Plan June 2006 - ENV14 Supplementary Planning Guidance/Supplementary Planning Documents – Residential Design Guide 2004. T10 Car Parking Standards- Supplementary Planning Guidance- Car Parking Standards March 2003. H3- Affordable Housing & H6 Planning Obligations. Planning Policy Statement 1- Delivering Sustainable Development 2005 & Planning Policy Statement 3- Housing 2006.

Reason for Decision:

Having regard to the pattern of existing development in the area and relevant provisions of the development plan, as summarised above, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Decision made on: 21st January 2010

Issued on:

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Head of Development Control

**IMPORTANT: PLEASE READ THE NOTES ON THE REVERSE SIDE
AND RELEVANT POLICY INFORMATION ATTACHED**

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2. No development shall commence until full details and samples of materials proposed to be used in the external parts of any building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
3. No dwelling hereby permitted shall be occupied until the estate road, including footways serving it, have been laid out and substantially constructed to the satisfaction of the highway authority in accordance with the details approved in writing by the Council
4. The development shall not be commenced until a turning area has been provided within the site to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.
5. Suitable measures shall be installed to ensure that mud and debris will not be deposited on the highway as a result of construction traffic leaving the site. Prior to the commencement of development, the details of these measures (including type, method, operation and control of use) shall be submitted in writing to the Council for their approval in consultation with the highway authority.
6. No development shall commence until details for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Council. No development creating surface water run off and no dwelling shall be occupied until the drainage works in accordance with the approved details have been carried out.
7. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Council and the said scheme shall be carried out within 12 months of the commencement of the development and subsequently maintained in the following manner:-
Any tree or plant (including any replacement) which, within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the Council consents in writing to any variation.
8. No development shall commence until measures for the protection of the existing trees on the site (trees covered by Tree Preservation Order 4/08) have been submitted to and approved in writing by the Council. No construction work shall be carried out unless the agreed measures to protect the trees have been provided and are maintained during the course of construction.
9. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Council. The development shall not be occupied until provision has been made in accordance with the approved details.
10. Prior to the commencement of development a method statement for the installation of hard surfacing and foundations for vehicle parking areas, footpath construction and refuse storage areas and screening in the vicinity of all trees protected by Tree Preservation Order 4/08, shall be submitted to and approved by the local planning authority in writing. Subsequently all work shall be carried out in accordance with the agreed statement.

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11. No development shall commence until a survey has been carried out to determine the presence of any bats on the site. If bats are identified on any part of the site no development shall commence on that part of the site unless and until measures to mitigate against the loss of habitat and any undue adverse affects on the species have been submitted to and approved in writing by the Council. No development shall be carried out other than in accordance with the approved details.
12. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.
13. No dwelling shall be occupied until a home composter for organic waste has been provided in the garden of the dwelling, in accordance with details to be submitted to and approved in writing by the Council.

Reason(s) for the condition(s):

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2, 7. In the interest of visual amenity.
- 3, 4, 5. In the interest of highway safety.
6. To ensure adequate drainage of the site.
- 8, 10. In order to ensure the preservation of the protected trees.
9. In the interests of fire safety.
11. In the interest of ecology.
12. In the interest of archaeology.
13. To reduce waste

NOTE(S):

• Condition number 3 requires work 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 Section 184. 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 at Coleshill 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 7D. 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.

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- A Section 106 obligation under the Town and Country Planning Act 1990 relates to the development of this site. Details are available from the Development Control Section of Planning and Public Protection.

- The following policy in the Nuneaton & Bedworth Borough Local Plan 2006 is relevant to this decision.

ENV14 - The design and materials of all development should be of a high standard in keeping with the scale and character of the locality. All development should comply with Supplementary Planning Guidance and/or Supplementary Planning documents produced by the Borough and County Council, where detailed guidance is considered necessary.

- Warwickshire Police have recommended that the properties are built to Secured by Design standards.

- THE PARTY WALL ACT: may be relevant to this development. The applicant should seek legal advice concerning the Party Wall Act 1996 and its application to this development.

NOTES

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, then you must do so within 6 months of the date of this notice, 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
- (3) 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.
- (4) 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.
- (5) 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.