

Appendix D – to MIQ's

Previous Planning approval
for Winter Oaks (redacted).

PLANNING PERMISSION

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

To: Mr Alec Statham

Of: Garland Stud, Bagworth Road, Barlestone, Nuneaton, Warwicks, CV13 0JA

For: Mr J Winter, Winters Oak, Watling Street, Higham On The Hill, CV11 68Q

The Council, having considered the application registered on 14th February 2013 for permission to carry out development at:

Land adjacent to 359 Watling Street, Nuneaton, Warwickshire

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

Travellers site to accomodate 4 pitches

Relevant Policies:

Nuneaton & Bedworth Borough Local Plan June 2006 - H13 (Gypsy and Traveller Sites), ENV3 (Open Countryside) and ENV14 (Supplementary Planning Guidance/Supplementary Planning Documents). Residential Design Guide SPG 2004. The National Planning Policy Framework (NPPF) 2012 and Planning Policy for Traveller Sites (PPTS) 2012

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.

Decision made on: 22nd March 2013

Issued on: 22nd March 2013

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**Authorised signatory of Nuneaton and
Bedworth Borough Council**

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

Statement of Positive Engagement

The Council has worked with the applicant and / or their appointed agent in a positive and proactive manner through pre-application discussions /achieving a valid application / requests for amended design / negotiations for amended plans keeping the applicant and/or agent informed of the planning application progress in order to address the planning issues which have arisen during the determination of the planning application and in accordance with the planning principles set out in the National Planning Policy Framework.

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.
2. The development shall not be carried out other than in accordance with the approved plan contained in the following schedule:

Plan Description	Date Received
Site Location	24 th January 2013
Existing Site Layout	24 th January 2013
Proposed Site Layout	21 st March 2013
3. The site should not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for travellers sites.'
4. No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be static mobile home caravans) shall be stationed on the site at any time.
5. No more than four commercial vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.
6. No commercial activities shall take place on the land and no materials or equipment used in connection with the business or trade of the occupants shall be stored on the land.
7. No development shall commence until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the Council. No construction work creating surface water run off shall be carried out and no pitch shall be occupied until the required drainage has been provided in accordance with the approved details.
8. No part of the development shall be occupied by the four mobile homes until the proposed works as shown on R3D drawing number 11.17.01B have been completed to the satisfaction the Local Planning Authority after consultation with the Highways Agency.
9. No development shall commence until measures for the protection of the existing trees on the site (trees covered by Tree Preservation Order 02/04) have been submitted to and approved in writing by the Council. No construction work including the provision of a noise attenuation barrier shall be carried out unless the agreed

measures to protect the trees have been provided and are maintained during the course of construction.

10. The landscaping scheme shown on the approved plan shall be implemented 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.

11. No development shall commence until details of a noise attenuation fence adjacent to the A5 and along the western boundary has been submitted and approved in writing by the Council. No pitch shall be brought into use until the attenuation fence has been erected in accordance with the approved details.

Reasons for the conditions:

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The nature of the use in the open countryside is only acceptable having regard to the planning circumstances that existed at the time of the decision.
4. 5. 6. To protect the character and appearance of this part of open countryside and to preserve the openness of it.
7. To ensure adequate drainage.
8. To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by ensuring appropriate controls are in place to monitor and manage site boundary construction activities.
9. To protect the Tree Preservation Order.
10. In the interests of the visual amenity of the area.
11. To ensure that there is an adequate living environment for the future occupiers.

NOTES:

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.

- H13. Proposals for additional traveller sites must meet the following criteria.

a. Demonstrable need cannot be met on present sites.

- b. Compatibility with other Plan policies - sites for travellers will not normally be appropriate in the Green Belt.
- c. Acceptable impact on the environmental quality of the surrounding area.
- d. Compatibility with nearby land uses.
- e. Good access to the public highway and sufficient area on site for vehicle movements
- f. Good access to local services and facilities - schools, shops, medical practitioners.
- g. Defined boundaries with embankments and/or extensive landscaping and planting.

NOTES

Appeals to the Secretary of State

- (1) 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, you can appeal to the Secretary of State 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, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes
- (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.