



North Warwickshire
Borough Council

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Date: 25 May 2023

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2022/0147

Site Address

, Pooley Hall Farm, Pooley Lane Polesworth, B78 1JA

Grid Ref: Easting 425738.11
Northing 302774.36

Description of Development

Erection of new industrial building, for a mix of use class B2 (general industry), B8 (storage and distribution) and E (g) ii (business industrial process)

Applicant

Mrs Helen Holloway NP Holloway And Son

Your planning application was valid on 22 June 2022. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following 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.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with:

POOLEY HALL FARM Block Plan 1. 500
Proposed - amended plan and elevations Feb 2023 Drawing 02
Spratt and Hamer Noise Impact Report Pooley Hall Farm Tamworth 15951 V2

All received by the Local Planning Authority on 23 March 2023

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Site Location Plan 1.2500 March 2022
As received by the Local Planning Authority on 10 March 2023

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre commencement conditions:

3. No works above slab levels shall commence to construct the external surfaces of the building hereby permitted until details of all facing materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No development shall take place until a Site Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for: - Measures to control the emission of dust during construction and demolition; - Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable; - protection measures for hedgerows and grasslands. - waste management; - Site lighting details - Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities; - Noise control during construction in accordance with BS 5228- 1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites; and - Details of the contact for any local concerns with the construction activities on the site. The approved Site Environmental Management Plan shall be adhered to throughout the construction period of the development.

REASON

In the interest of the amenity of neighbouring properties and to minimise the environmental impact of the construction process.

5. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. In the event that contamination is found under condition 5, at any time when

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carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Where remediation works have been carried out in pursuance with the preceding conditions 5 and 6, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to construction above slab level, a landscaping scheme related to the western boundary shall be submitted to the Local Planning Authority for approval. The details can include, fencing, gates, hedging, planting and trees. The landscaping and planting scheme hereby approved shall be implemented within six calendar months of the date of occupation of the premises for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

To ensure the provision, establishment and maintenance of a reasonable standard of landscape and to aid bio diversity.

Pre occupation;

9. The specific sound level from industrial/commercial sources within the development arising from the use of the three B1/B8 planning class uses and two B2 planning class uses including any associated mechanical plant including coolers, extraction and air handling units, shall not exceed 39dB LAeq,1hr.

The specific sound level should be measured or predicted at a height of 1.5m above ground level at a distance of 1m from the façade of any residential dwelling between 0700-1900 on any day.

The measurements and/or predictions should demonstrate the noise limits are met within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a "free field" level as defined by BS 7445: 2003 Description and measurement of environmental noise [Parts 1 to 3] for an area of not less than 75% of any dwelling garden. The measurements and/or predictions should demonstrate the noise limit is met at 1m from the façade containing a habitable room with an opening window of the nearest affected noise sensitive receptors at 1.5m and 4.5m above the adjacent ground level as a "free field" level as defined by BS 7445: 2003 Description and measurement of environmental noise [Parts 1 to 3] for an area of not less than 75% of any dwelling garden. The adjustment from a measured 'façade' to 'free field' level will depend on the angle of incidence

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Reason - to avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraph 174, NPPF 2021 paragraph 185, Noise Policy Statement for England 2010 and PPG on noise]."

10. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the extension to the satisfaction of the Local Planning Authority.

REASON

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

11. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time 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.

12. No occupation of each individual unit shall commence until details of electric vehicle charging bays are submitted and approved in writing by the local planning authority. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details

REASON

In the interests of the amenities of the area and in accordance with the North Warwickshire Borough Council Air Quality & Planning Guidance SPD - September 2019

Other condition

13. Hours of construction shall be:
 - Monday - Friday 08:00 - 18:00;
 - Saturday 08:00 - 13:00; and
 - No working Sunday or Bank Holidays without prior approval.

REASON

In the interests of the amenities of the area and safety on the public highway.

14. No additional windows or door openings in all elevations and roof planes shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

15. No development whatsoever within Class H of Part 7 of Schedule 2 of the Town and Country

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Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

In order to prevent the over-intensive development of the site.

16. The site use hereby approved shall not be used for any purpose, including any other purpose in Class B2 of the Town and Country Planning (Use Classes) Order 1987, (as amended 2020 and 2021), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for general industry (B2).

REASON

To prevent unauthorised use of the property.

17. In the event of any landscaping along the boundary to Pooley Lane which dies, are removed or become seriously damaged or diseased within a period of 5 years from the date the building completion they shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

18. No lighting shall be placed or erected on the new building works without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

19. There shall be no businesses operations other than between 07:00 hours and 19:00 hours on Mondays to Friday, 08:00 hours and 14:00 hours on Saturdays inclusive, and 10:00 and 13:00 hours on Sundays and Bank holidays. There shall be no business operations whatsoever at any time on, Easter Sunday or Christmas Day.

REASON

To prevent disturbance to the occupiers of nearby properties.

20. The employment unit hereby approved shall not be used for any purpose, including any other purpose in Class B2, B8, and Class E of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than the description within the application description and when considering Class E only for business industrial process warehouse building.

REASON

To prevent unauthorised use of the property.

21. Notwithstanding condition 2 the approved building shall not be occupied until such details of the number, type, colour, output of the solar panels, how the power will be used within the building and / or added to the national grid have been submitted and approved in writing by the local planning authority.

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REASON

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan

22. For the avoidance of doubt, there shall only be one vehicle access point into the site, as to the north east of the site as defined on the approved proposed site plan drawing 01.

REASON

In the interests of the amenities of the area.

23. Prior to occupation the car parking as defined on the proposed site plan drawing 01, shall be marked out and retained in perpetuity.

REASON

In the interests of the amenities of the area.

24. There shall be no outside storage, whatsoever.

REASON

In the interests of the amenities of the area.

INFORMATIVES

1. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land

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owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588

6. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.

7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

8. The applicant / developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.

9. - Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information

10. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

11. The site has been occupied by a potentially contaminative land use so must be assumed to be 'Land where contamination is suspected for all or part of the site' triggering the need for a contamination assessment.

12. With regards to the car charging condition, the following is set out - The size of the development is considered to be minor as defined in the Air Quality SPD. I therefore recommend provision of electric vehicle charging points at a rate of 10% which equates. The Council will support a higher rate of car charging points. to one of the proposed new 11 parking spaces.

13. No burning shall be carried out on the site

14. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be

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intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

15. Public footpath number AE16 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.

Any disturbance or alteration to the surface of public footpath AE16 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 footpath.

16. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

17. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).

18. Please note the approval covers the following use classes - Erection of new industrial building, for a mix of use class B2 (general industry), B8 (storage and distribution) and E (g) ii (business industrial process)

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 against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made 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.
4. 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.
5. 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.
6. 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

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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.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

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