



OFFICER'S OBSERVATIONS

Decision Date:
Decision Code:
Notice Type: Normal / AVCG

Reference No	PAP/2022/0147
Location	Pooley Hall Farm Pooley Lane Polesworth B78 1JA
Application Type	Full Planning Application
Proposal	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	NP Holloway And Son Mrs Helen Holloway
Case Officer	 Signed: Ian Griffin Date: 26/05/2023
Authorised Officer	 Signed: Andrew Collinson Date: 26/05/2023

For Office Use Only	Yes	No	N/A
Monitoring completed?			
If P.D. removed, email forwarded to Central Services?			
If condition monitoring required, email to Enforcement Team (PG)			

The Site

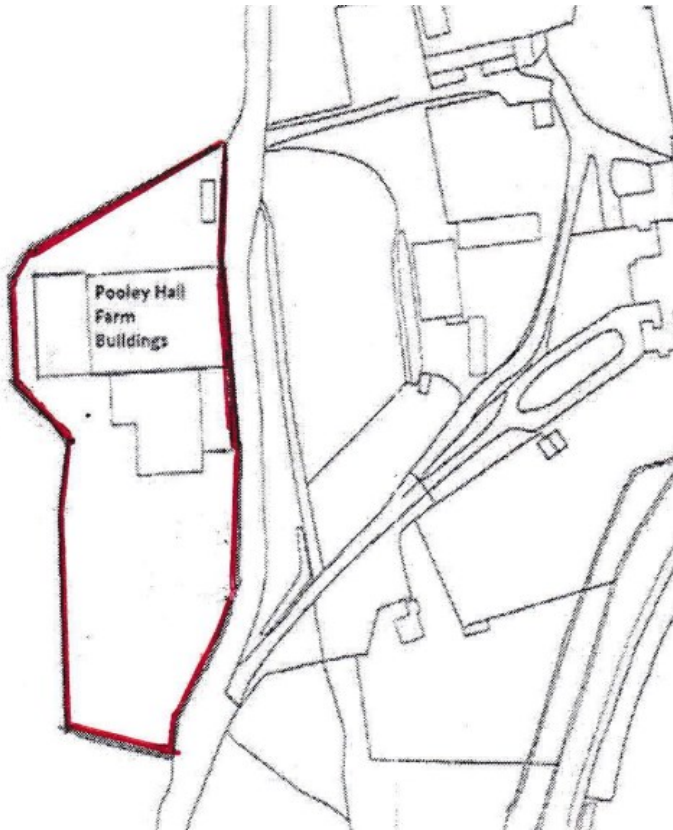
- The site operates as a small industrial site, which would formerly have been under the group of buildings remaining at the former North Warwickshire Colliery, for which planning permission for industrial use was granted in 1969 and 1970, following the closure of the colliery in the mid 1960's.
- The site lies outside of any settlement boundary upon agricultural land and part of the yard to the Pooley Lane Business Units, immediately adjacent to Pooley Lane. Mature hedgerow exists to the east and south, and open farmland to the west. The land slopes towards the south of the site, and there are already excavations on site with creation of a bund, track and paved and kerbed areas.
- The site is adjacent to Pooley Farm though does not form part of it and is located wholly within the Open Countryside and defined as being within the Strategic Gap.
- Along Pooley Lane boundary is a tree and hedge boundary. The site lead to access onto a field.
- The land to the west is a field, to which has M42 in the distance with Tamworth beyond. HS2 is proposed to go through the field on its eastern leg via East Midlands

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- The site is accessed by an unadopted road which is served from the main B5000 which runs through Polesworth; the site is located north west of the village centre at Polesworth.
- Below are photographs of the site as taken in 2016 and 2022.



2022 photos below



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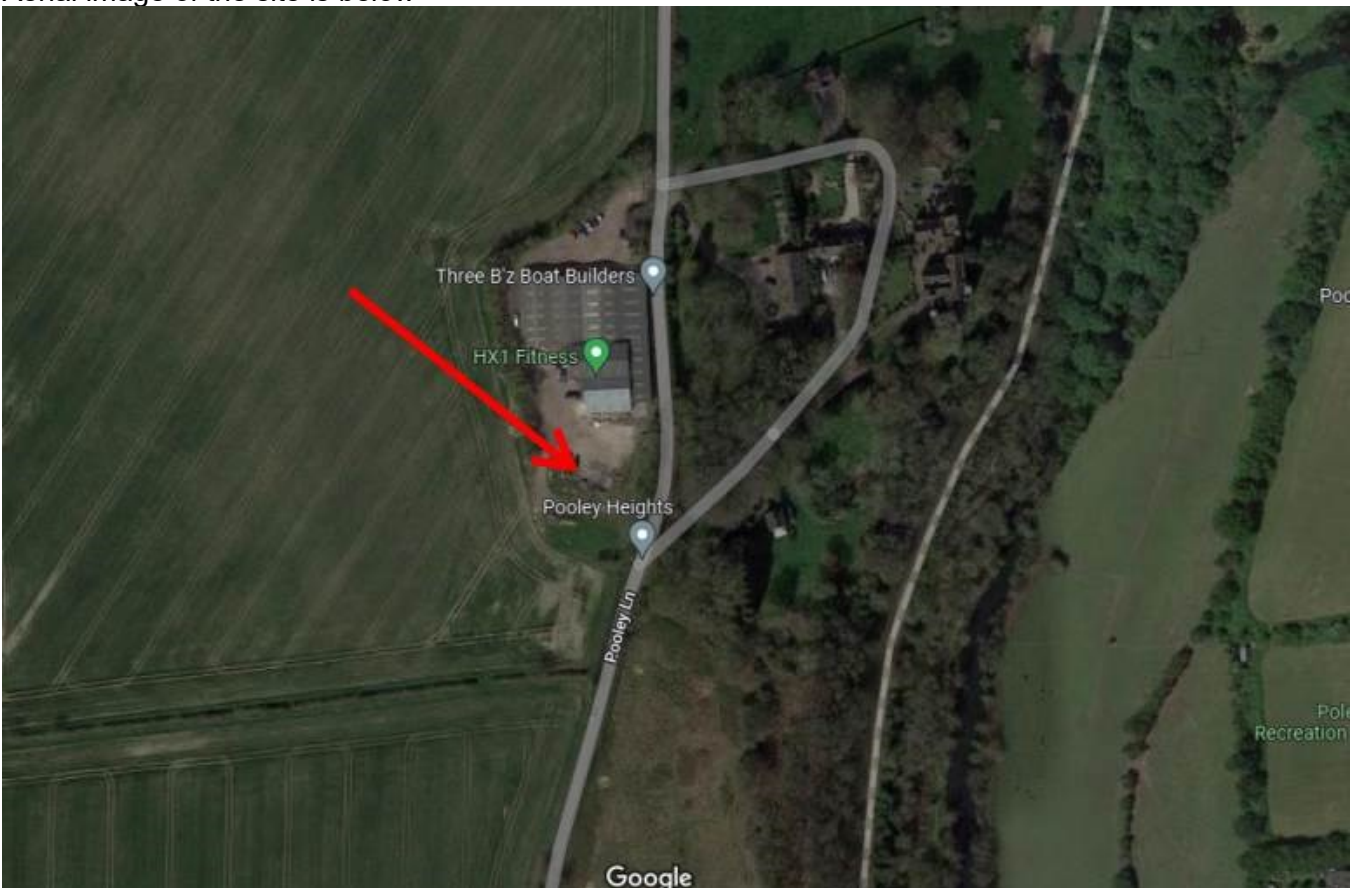


2016 photos below

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Aerial image of the site is below



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The Proposal

Planning permission is sought for 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).

The building would aid the local economy.

The building is on land south of existing industrial buildings. The design and openings have been revised following application discussions.

The proposal is for 5 units, with one large unit, and four smaller units, at 6.65 m high. Parking will be provided, via the exiting access point to the estate to the north.

The building would contain solar panels. Landscaping is proposed.

Materials – expect to relate to existing buildings on the site.

The application has been submitted with a noise report. The report considered the revised building orientation with the larger units having openings to the north and west away from nearby residential properties.

8 Recommendations

The results from the noise impact assessment have predicted that operational noise rating levels from potential end users of the proposed workshops will have a low noise impact on the nearest and worst affected noise sensitive receptors. It is however recommended where possible to avoid having roller shutter doors open either when high noise activities are operational, or background levels are at their lowest e.g in the early hours of the morning.

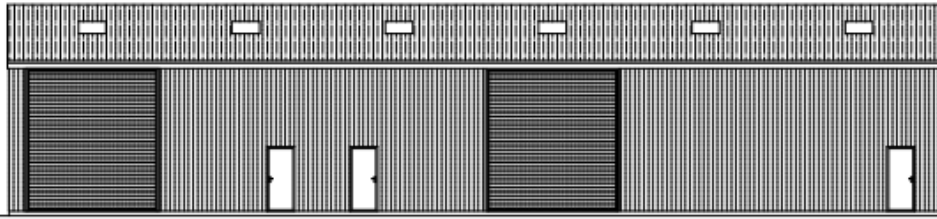
Any mechanical plant proposed to be installed would be required not to exceed the lowest measured $L_{A90,1\text{-hour}}$ sound level of 39dB(A) at the nearest existing or approved proposed noise sensitive receptors. It should be the responsibility of the engineers installing any such mechanical fixed plant to ensure that this criteria is met.

The noise breakout calculations assume that there are no penetrations in the walls and roof of the proposed units. It is recommended that should ventilation be required within the units for times when roller shutter doors must remain closed, a quality mechanical system be installed that complies with the recommendation above regarding mechanical plant noise rating not breaching background levels at the nearest receptors.

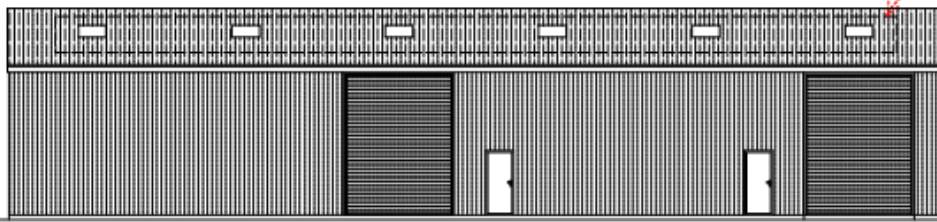
9 Conclusion

The noise assessment undertaken to BS4142:2014+A1:2019 has shown that the operational noise rating resulting from the proposed industrial units is predicted to have a low noise impact indicating a low likelihood of complains so long as the recommendations in this report are followed. It is therefore the view of the consultant that noise will not be a material constraint for the approval of the application and the comments from North Warwickshire Council have been suitably addressed.

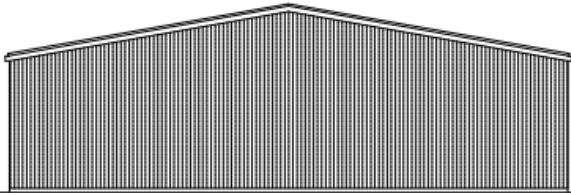
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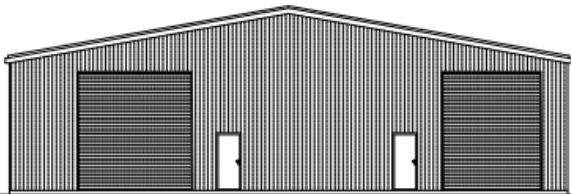
Proposed North Elevation



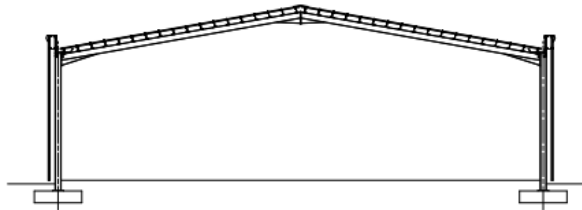
Proposed South Elevation



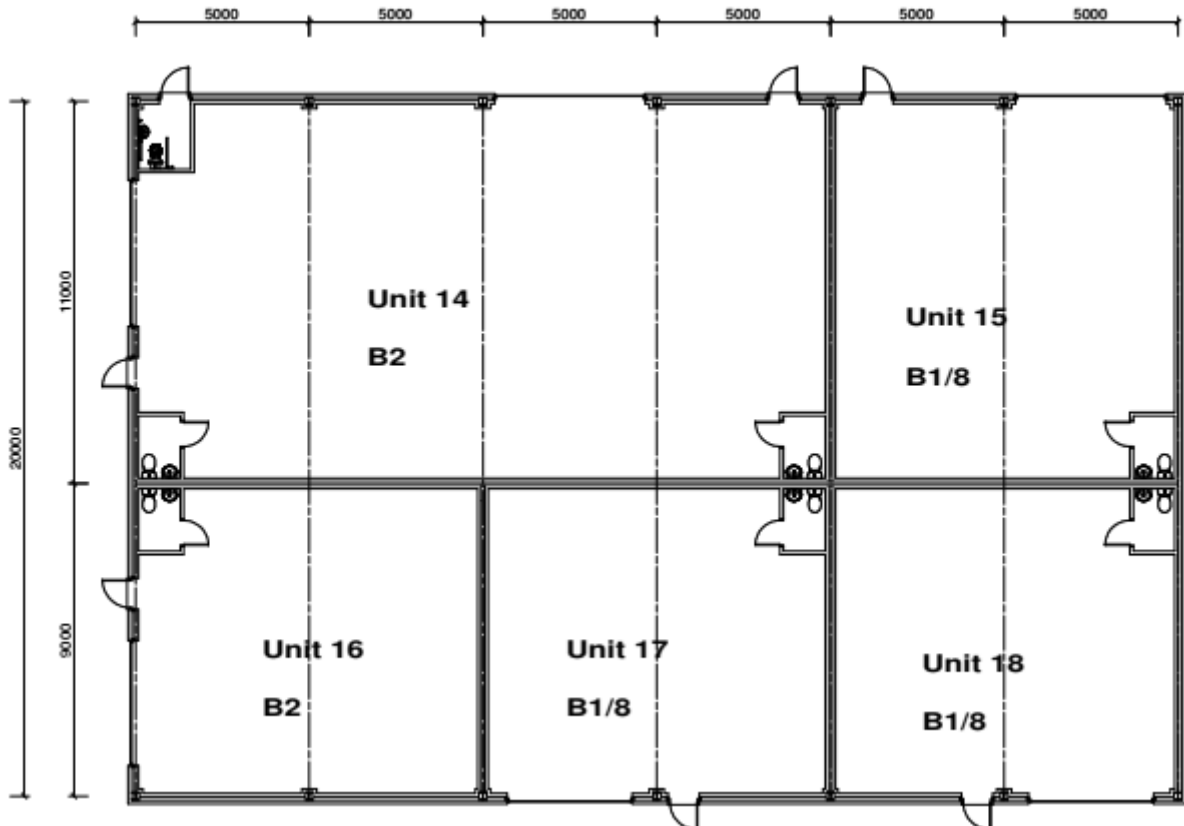
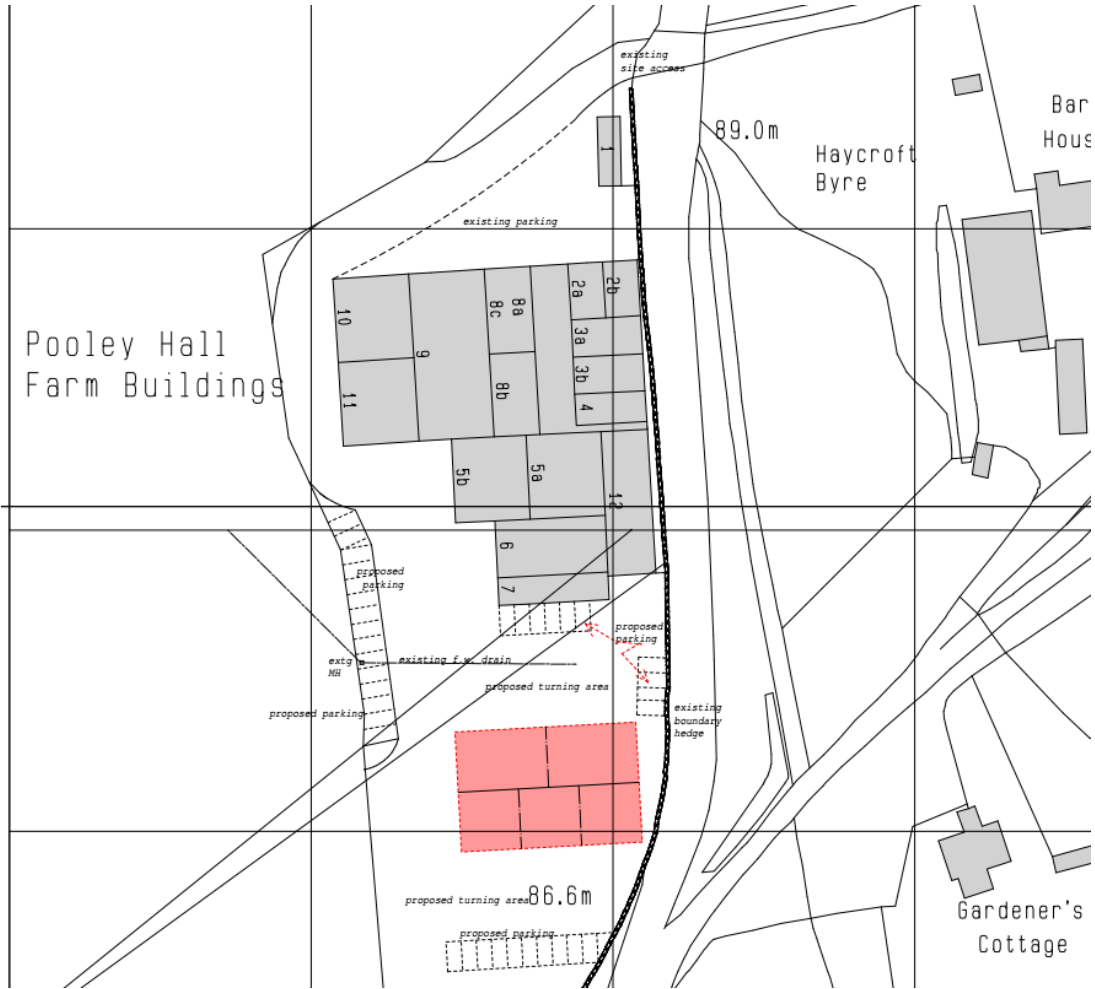
Proposed East Elevation



Proposed West Elevation



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Background

- The last permission on the site was in 2016 for a the continued use of land for the training of excavator drivers as well as some other construction vehicles. This is on the site of the current scheme.
- In 2012, consent was given for a three year temporary use of the site for temporary change of use (three years) of agricultural land to training purposes involving mechanical excavation and construction vehicles, with shared use of adjacent hardstanding for parking and creation of new access and track
- The site originally gained consent for industrial use back in 1969 and in 1970, subsequently there have been applications to change the use of the building to light industrial use which was approved in 1991, there was also an application in 1990 to extend the units and provide parking, this was refused though was allowed at appeal.
- The inspector's decision weighted the harm of providing an extension to the units with the impact on openness against the benefit to employment, estimated at the time to be four additional jobs. The economic factor was considered to outweigh the harm on the openness of the area. The appeal was allowed.
- There have been subsequent applications such as a change of use of the units to agricultural use and a certificate of lawfulness for reverting the units from agricultural to industrial.
- The site now operates as a small industrial development with 12 units, covering various uses.
- In 2014 (2013/0562) consent was given for an extension on the back of existing buildings for B1 and B2 uses.
- In 2015, consent was given for the temporary storage of two containers to the north of the site for storage related to the units.

To the south on the opposite side of Pooley Lane is a housing development as approved for 40 dwellings - Reserved matters – 2021/0350 - Approval of reserved matters for the erection of 40 dwellings and associated works. Appeal ref APP/R3705/W/18/3203467 Outline planning permission PAP/2018/0053.

Development Plan

North Warwickshire Local Plan 2021 (Adopted September 2021)

Strategic Objectives:

- 1 – sustainable pattern of development
- 3 – develop and grow local economy
- 5 – promote rural diversification
- 6 – High Quality developments
- 7 – protect natural and preserve historic environment
- 8 – establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities

Policies

- LP1 – Sustainable Development;
- LP2 – Settlement Hierarchy;
- LP4 – Strategic gap
- LP5 – Amount of Development;
- LP14 – Landscape;
- LP15 – Historic Environment;
- LP16 – Natural Environment;
- LP25 – Railway Lines
- LP29 – Development considerations;
- LP30 – Built form;
- LP33 – Water Management

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LP35 – Renewable energy and energy efficiency

Polesworth Neighbourhood Plan – Draft 2023

Other Relevant Material Considerations

Government Advice:

- National Planning Policy Framework (NPPF), 2021
- National Planning Policy Guidance (NPPG),
- 2019 – SPG Air Quality & Planning Guidance - September 2019
- 2010 Landscape Character Assessment

Constraints

Smoke Control Zone

Radon Gas (1-3%)

Coal Development Low Risk

Consultations

Highways - no objection. Not on adopted road.

WCC Fire – no objection subject to condition

NWBC Forward Plan – verbal no objection. Acceptable to Strategic gap given scale and provide jobs.

NWBC EH – General – no objection subject to conditions

NWBC EH – Noise – no objection subject to a condition following a new noise report.

WCC Footpaths – no objection – suggest note.

Representations

Neighbour – objection and the objection is continued to the revised scheme;

- The existing site generates noise
- How much more can the site be developed.
- Original noise report not fit for purpose.

Parish Council: No response

Councillors - Email to Chair and Vice Chair of the Planning and Development Board and the Ward Borough Councillors 25/04/2023 which expired on 2/05/2023 at 9am. There were no requests received against the recommendation of delegated powers.

Observations

Principle of Development

The dominant consideration here is whether the development is sustainable development in the context of the site and its countryside setting.

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The site lies within the open countryside and beyond any settlement boundary, and is within the Strategic gap. The proposal will provide a building for industrial uses to which the application suggests is needed in the local area, which in turn will aid the wider economy.

The site is already an industrial estate providing jobs and the new unit will enhance this.

This is reflected within Core Strategy policy LP2 (Settlement Hierarchy) which identifies a settlement hierarchy for the Borough through which new development is to be directed, proportionate to the level of services and facilities that each settlement possesses. Outside of the settlements named in the hierarchy – described as Category 5 in LP2 – development is to be limited to that necessary for agriculture, forestry or other uses that require a rural location alongside affordable housing meeting a proven local need. However, there is a degree of discordance between policy LP2 and the NPPF as the latter supports the sustainable growth and expansion of all types of business in rural areas (para 84).

The applicant points out that, as evidenced by the planning history of the site, to date the Local Planning Authority have been very supportive of the site, including an approval for construction vehicle training on the site.

With LP1 and sustainable development the proposal will be related to the existing wider site use, is already in use and will provide jobs. The site is accessible from Polesworth / Dordon and Tamworth. Pooley Lane supports a new businesses, homes, new development and a country park.

Economy

The site provides employment. The NPPF and the Local Plan are relevant. The proposal is an expansion of an existing part of the larger lawful site use, and will aid the business.

The proposal will support the existing business. The NPPF sets out the following:

Section 6 - Supporting a prosperous rural economy

Para - 84. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside;
- and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Para 85 - Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist

The NPPF seeks to support the expansion of the existing business leading to sustainable growth, and therefore given the NPPF is the most recent national advice it is considered to be a material planning consideration. Therefore whilst balancing the 2021 Local Plan, it is considered acceptable.

Strategic Gap / Meaningful gap

The policy sets out:

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LP4 Strategic Gap

In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.

The site has an existing approval, although expired. The site is to the edge of the larger field and within the grounds of the existing industrial estate. The site is not farmed and therefore no loss to farming will take place.

The existing yard to the business units provides the balance of the application site. The siting is within the corner of a former field and well screened by existing vegetation from any public vantage points. The impact on landscape character is thus negligible. The same context is applied to visual amenity, and the only exceptions here is to ensure that bunds are limited in height to reduce their prominence and that suitable demarcation of the site is provided to prevent the use 'creeping' onto adjacent land.

The site is located within the Open Countryside and is not designated as Green Belt, though the same principles on openness would apply. The use of the site is well established and so the harm on the visual amenities is not considered. The backdrop of the M42 and future HS2 means that the site does not benefit from an aesthetic natural surroundings and therefore the harm on the visual amenities is also negated by the proximity of the M42.

The impact upon the openness is acceptable. The gap would be maintained with this proposal, given the context of the existing development on the site.

The Councils forward plans team have considered the proposal, and set out that the site is acceptable. Given the proposal is minor, then it will not impact upon the Strategic Gap there is unlikely to be any formal Planning Policy objection. Furthermore, as long as the use is self-contained within the boundary of the current approved area for use and does not, or is not proposed to expand into the meaningful gap the need to support economic growth in NPPF would discourage us from placing further constraints or restrictions on the use/development. The use also appears to be fairly limited and not intensive in operation.

Highway Safety

It is material highways raise no objections subject to a condition controlling the use. The access road is not adopted, however the road does adjoin an adopted road.

Additional traffic movement would take place, however given the uses along Pooley Lane, is not considered to additional traffic movements that would harm the highway. The proposal is not considered to impact upon the local highway capacity and not generate traffic hazardous to traffic safety and visibility. This policy approach is considered to be broadly consistent with paragraph 111 of the NPPF which only seeks for development to be refused on highways grounds where there would be an unacceptable impact on highway safety, or the cumulative impacts would be severe. Given the size of the units the level of traffic generated it expected to be low.

Design

The design of the development is considered to be acceptable within the garden centre setting. The design is fit for purpose. The building is sited close to other built forms, but also at the edge of the site, but given the context of the area, not lead to an alien form. The materials are proposed to be acceptable.

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Core Strategy policy LP30 Built form, sets out that;

All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.

Alterations, Extensions and Replacements

Extensions, alterations to and replacement of existing buildings will be expected to:

- a) respect the siting, scale, form, proportions, materials, details and overall design and character of the host building, its curtilage and setting;
- b) retain and/or reinstate traditional or distinctive architectural features and fabric,
- c) safeguard the amenity of the host premises and neighbouring occupiers
- d) leave sufficient external usable private space for occupiers, and
- e) satisfy the design criteria set out in the Document "Design Guide for Extensions".

Extensions should be physically and visually subservient to the host building including its roof form so as not to dominate it, by virtue of their scale and siting.

Policy LP29 requires the consideration of the design and location of development in relation to sustainability and climate change. The proposed development is an extension to the existing manufacturing plant and therefore takes advantage of existing development and its infrastructure on a brownfield site.

The NPPF, within section 12 'Achieving well designed places' and the Local Plan 2021 has set out under LP30 how it should be considered, and in this case the proposal is considered to be in accordance on balance. The proposal is considered to comply with the relevant parts of the NPPF, NPPG and 2021 Local Plan.

Amenity

The scheme is not considered to harm amenity upon any residential properties, given the site is isolated in the countryside.

A noise report has been provided which sets out the scheme is acceptable and mitigation can limit harm. Furthermore landscaping mitigation can also reduce noise. The scheme is designed to limit noise. A representation has raised noise concerns, but the Councils EHO considers the proposal is acceptable subject to the design and a condition. The openings to the larger units are sited away from the nearest residential properties. The noise report considers the revised scheme is acceptable.

A new housing scheme to the south is around 80metres away and is not considered to be harmed in an unacceptable manner. The site contains commercial / industrial uses which in turn create noise.

A public footpath runs close to the western site boundary, however the proposal is not considered to harm the users.

Accordingly, given the lack of detrimental outputs coupled with the separation distance to the nearest sensitive neighbours, it is considered that the proposed development will not result in a detrimental impact upon amenity. The proposed development is therefore in accordance with, the use of the site is not considered to be unacceptable given its siting, and the access is to and from a major road, No additional traffic is proposed by the application, and thus not leading to additional unacceptable levels of amenity or privacy, as covered by LP29 of the 2021 LP and Paragraph 130 of the NPPF

Bio diversity and energy generation

The proposal does lend itself to bio diversity gain, with new landscaping and replacement of a parcel of land that has limited bio diversity features. The building is designed to support renewable energy, with solar panels proposed.

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Other issues

Conditions can cover noise, hours and the uses of the units.

The layout plan shows a use class of some units as being use class B1, which is now replaced with use class E. The description has been revised to reflect the use classes.

The Polesworth Neighbourhood plan is in draft form awaiting adoption, it is considered the proposal will meet the objectives of the plan.

Objection

In response to the objection the following is set out in response.

- Existing noise is covered by Environmental Health legislation.
- The proposal is designed to limit noise, with the large units to the yard area and the side away from the nearest residential properties.
- The Environmental Health Team consider the proposal is acceptable with regards to noise.
- The proposal uses the site boundary, and the site is constrained by the size, parking requirements, road and field.
- The existing noise report was updated to reflect the revised layout following advice from the Councils Environmental Health officer.

Conclusion

The proposal is considered to be acceptable to the countryside. The buildings are for storage related to the garden centre and will tidy up an existing storage area, and is within the confines of the existing site. The design and scale is acceptable. It should be supported, subject to conditions.

Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the agent has given such written permission.

Local Finance Considerations

New Homes Bonus and Community Infrastructure Levy/Section 106 – n/a

Human Rights Act Implications

None

RECOMMENDATION

That the application be Granted Subject to 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

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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

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

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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 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

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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

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

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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 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

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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.

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

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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 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

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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 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)