

Planning Committee: 21 September 2005

Item Number: 10

Application No: W 05 / 1143

Registration Date: 15/07/05

Town/Parish Council: Shrewley

Expiry Date: 09/09/05

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

Land at The Elms, Oakdene Crescent, Shrewley, CV35 7BW

Variation of condition 1 (time limit of pp. W20021212 appeal decision. Erection of 5 houses and 1 bungalow) to extend expiration period to 16 months. FOR Orbit Housing Association

This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council : No objection.

Ecology : No comments to make on the application.

British Waterways : No objection.

Neighbours : Six letters of objection have been received from five surrounding residential properties. It is considered that 12 months to commence development was reasonable as the assessment was applicable to a specific point in time, particularly as the length of time was extended due to the appeal. If the urgent requirement has not been sufficient to drive the development to meet the conditions then the application should be refused. Objection is raised to yet another move of the goalposts especially as the scheme is not wanted and was opposed by local residents. The 12 months has expired and waiting for this year's slow worm population to move on is a cynical dodge to give more time to hope that no slow worms are present. This is an invalid reason as the slow worms come back every year and the new buildings would remove their breeding ground.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H16 - Rural Local Needs Housing (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP2 - Directing New Housing (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

RAP5 - Providing Rural Affordable Housing (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

An application for the erection of 5 houses and 1 bungalow was submitted in August 2002, and was refused by members in July 2003. An appeal was subsequently made to the Secretary of State, who granted permission for the development in September 2004 subject to a number of planning conditions.

KEY ISSUES

The Site and its Location

The application site is situated within the parish of Shrewley, in close proximity to Hatton Station, a settlement of approximately 100 dwellings. The site covers a triangular piece of land adjacent to a residential estate of 31 houses. To the west of the site are 7 cottages (The Elms), while bounding the site to the south are the rear gardens of larger detached dwellings in Elmdene Close.

Details of the Development

The permission granted by the Secretary of State had a number of conditions attached including one that the development permitted "shall be begun before the expiration of 12 months from the date of this decision". This therefore meant that works on site should have commenced by the 6th September 2005. Condition 5 of the permission required a reptile survey to be undertaken and approved requiring mitigation measures incorporated in the design of the development prior to development. Due to problems implementing Condition 5 an extension of time for four months for works to begun has been requested.

Assessment

Due to the timing of the planning approval (September 2004) a reptile survey could not be undertaken until April 2005, with the survey being completed in June. Unfortunately, as such surveys can only be undertaken during certain times of the year, it meant that the survey could not be undertaken until 7 months after the decision. As this survey found slow worms to be present on the site, which then need to be captured and relocated, it was unlikely that work would commence before September. This has been the case.

It is considered that 12 months to commence development, as conditioned by the Planning Inspector, didn't allow sufficient time for the reptile survey to be undertaken during 2004, given the decision date was in September. However, as unfortunately the appropriate survey period was not until April this year (as confirmed by WCC Ecology), this has meant that the timescale for starting to implement the scheme has been severely restricted. Although it is accepted that the extension of time would result in the original survey of people

requiring such residences becoming more out of date, it is not considered that an increase of 4 months is inappropriate or excessive. The delay in undertaking works to meet pre commencement condition No 5 was not able to be controlled by the applicant or their agent and as such it is considered that it would be unreasonable to refuse permission. It should be noted that as part of the survey and mitigation measures, it is proposed to recreate the environment for such reptiles on part of the site, which would then be controlled by the applicants.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of four months from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 No development shall take place until a schedule of existing trees and other planting to be retained, and details of the works necessary for their protection have been submitted to, and approved in writing by, the local planning authority. Before development commences, tree protection works shall be completed in accordance with the approved schedule and details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall take place 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 local planning authority. The scheme shall be implemented before the buildings are occupied, and development shall be carried out in accordance with the approved details. **REASON** : In the interests of fire safety.
- 5 No development shall take place until details of a reptile survey have been submitted to, and approved in writing by, the local planning authority. Before development commences, the survey shall be completed in accordance with the approved details. No development shall take place until a scheme for mitigation measures has been submitted to, and approved in writing by, the local planning authority and the scheme, as

approved, shall be incorporated into the design of the development.

REASON : To ensure the protection of reptiles and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

- 6 No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, re-enacting or modifying that Order), no first floor windows/dormer windows shall be constructed on the side elevations of the buildings hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
- 9 The car spaces hereby permitted shall be kept available for the parking of cars at all times. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
