



North Warwickshire
Borough Council

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Date: 20 March 2012

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/2011/0634

Site Address

The Common, Baddesley Ensor, Warwickshire,

Grid Ref: Easting 427289.17
Northing 298360.31

Description of Development

Creation of village pond at Land between "Crow Hill" and "The Common" Baddesley Ensor

Applicant

Linda Evans Friends of Baddesley Common

Your planning application was valid on 19 December 2011. 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 the Baddesley Pond Project document submitted by the Friends of Baddesley Common, dated December 2011 and received by the Local Planning Authority on 7 December 2011 and the plans and cross sections contained therein, as amended by the revised plans and cross sections (Appendix B and Appendix C) received by the Local Planning Authority on 15 March 2012.

REASON

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

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3. All the trees on the tree retention/removal plan (Appendix E of the Baddesley Common Pond Project Document) shown as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

4. Prior to the commencement of development a scheme for a suitable access point from the public highway into the site for construction traffic, the provision of space within the site for the loading/unloading of vehicles and a signing scheme for the period of construction for the approach to the access along the public highway, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Warwickshire County Council Highways Authority Area Team.

REASON

In the interests of safety on the public highway.

5. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. Details of the scheme shall first be submitted to and approved by the Local Planning Authority in writing.

REASON

In the interests of safety on the public highway.

6. Prior to the commencement of development a scheme for the erection of safety signage shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall specify the number, size, design, materials and location of the proposed safety signs.

REASON

In the interests of public safety.

7. The development hereby approved shall not be carried out otherwise than in full accordance with the planting schedule (Paragraphs 1.2 and 1.3), maintenance regime (Paragraphs 1.4, 1.5 and 1.6), the construction method statement (Section 3), and method statement to avoid harm to protected species (Section 8) of the Baddesley Pond Project document submitted by the Friends of Baddesley Common, dated December 2011 by the Local Planning Authority on 7 December 2011.

REASON

In the interests of amenity and the protection of nature conservation interests.

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8. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

- A) a scheme for the chemical testing of infill materials to be imported to the site.
- B) a site investigation of the nature and extent of contamination at the site.

The site investigation shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

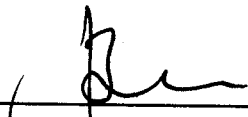
REASON

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.

INFORMATIVES

1. Section 163 of the Highways Act 1980 requires that surface water shall not flow - so far as is reasonably practicable - from premises onto or over the highway footway/carrageway. The developer should, therefore, take all steps as may be reasonable to prevent water so flowing.
2. The conditions require the applicant / developer to notify the Highway Authority's Area Team prior to the commencement of the development. 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 may be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
3. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard 5837:2005 "Trees in Relation to Construction - Recommendations".
4. The proposal involves the felling of trees where there may be bats present 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).

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5. The Development Plan policies which are relevant to this Decision are as follows:
North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 3, Core Policy 11, ENV1, ENV3, ENV4, ENV6, ENV8, ENV11 and ENV14
6. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

REASONED JUSTIFICATION

Though the site lies outside the development boundary, the development does not propose new built development and is for a use which is potentially compatible with the traditional use of the land. It is not therefore objectionable in principle. The development will not cause harm to visual amenity with minimal loss of trees, nor to residential amenity, the nature conservation interests of the locality will not be adversely harmed, with adequate preventative/warning measures the pond should not cause undue harm to public safety and there should be no substantial impact on highway safety or the water environment. The pond will add to the recreational/educational resources of the area. The proposal accords with the provisions of the above development plan policies.

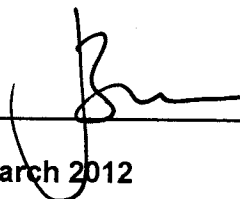
APPEALS TO THE SECRETARY OF STATE

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 permitted.

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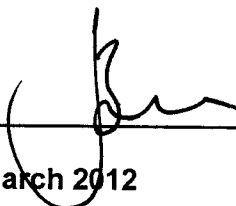
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2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town 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://planning.northwarks.gov.uk/portal>. 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/site/scripts/contact.php>).
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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