



Notice of Decision

PERMISSION WITH CONDITIONS

Janice Johnson
Allen Construction Consultancy
Highlands House
Highlands Road
Shirley
Solihull
B90 4ND

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure) Order, 2015

THE STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

Playing Fields, South Parade, Harbury,

Submitted by: Bob Sherman Harbury eWheels

Received by the Council on 8 February 2022

HEREBY GIVE YOU NOTICE that PLANNING PERMISSION is GRANTED for the following development, namely:-

Installation of a Community EV Charging Station, Vertical Axis Wind Turbine and associated works

Subject to the following condition(s) and reason(s), namely:-

1. The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and documents:

6541-ACC-00-ZZ-DR-A-0001 Rev-P2 Location Plan
6541-ACC-00-ZZ-DR-A-0010 Rev-P5 Proposed Site Plan
6541-ACC-00-ZZ-DR-A-1004 Rev-P4 Car Park - Existing Vs Proposed
6541-ACC-00-ZZ-DR-A-1003 Rev-P2 Proposed Wind Turbine
6541-ACC-00-ZZ-DR-A-1002 Rev-P2 Proposed Battery Storage
6541-ACC-00-XX-DR-A-2002 Rev-P2 Specifications
6541-ACC-00-XX-DR-A-2001 Rev-P2 EV Charging Station Specifications

6541-ACC-00-XX-DR-A-2000 Rev-P2 EV Charging Station Specifications
6541-ACC-00-XX-DR-A-1100 Rev-P4 Battery Storage Elevations
6541-ACC-00-XX-DR-A-1007 Rev-P0 Wind Turbine
6541-ACC-00-XX-DR-A-1006 Rev-P0 Landscaping

Ground Investigation ref: 21.04.022, dated June 2021
Arboricultural Impact Assessment ref: RT-MME-154850-02, dated May 2021
Arboricultural Method Statement ref: RT-MME-154850-03, dated May 2021
Archaeological Assessment, dated May 2021
Ecological Impact Assessment ref: C2696-1, dated 9th November 2021
Highways Technical Note ref: 210487, dated June 2021
Landscape and Visual Appraisal ref: CE-HB-1888-RP01-FINAL, dated 10th November 2021
Noise Assessment ref: 1505-AF-00001-02, dated 12th November 2021
Preliminary Arboricultural Assessment ref: RT-MME-154850-01, dated April 2021
Utilities Report, dated 12th March 2021
Design and Access Statement by Allen Construction Consultancy, dated October 2021
Feasibility Study, dated July 2020
Planning Statement by Planix.uk, dated February 2022
EV Charging Energy Projection V2, dated 7th February 2022

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031).

3. Access for vehicles to the site from the public highway, Constance Drive, shall not be made other than in accordance with drawing no. 6541-ACC-00-ZZ-DR-A-1004 Rev-P4 Car Park - Existing Vs Proposed, and shall be retained as such thereafter.

Reason: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Policy CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031.

4. If, during construction works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.

5. Prior to progression of any part of the development hereby permitted above slab level, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

- planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- location, type and materials to be used for hard surfacing where applicable for permeable paving,] and use within tree Root Protection Areas ((RPAs), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate;

- the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
- car parking layout and any other vehicular and pedestrian access and circulation areas;
- a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality, having regard to Policies CS.5, CS.6 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.

6. The development hereby approved shall be carried out in strict accordance with the mitigation measures set out in Section 5 of the Ecological Impact Assessment (Report Ref C2696-1) dated November 2021.

Reason: In the interests in protecting biodiversity, having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and Policy CS.6 of the Stratford-on-Avon District Core Strategy 2011-2031.

7. If the wind turbine hereby approved becomes redundant and/or is no longer required for the purposes of electricity generation, the wind turbine shall be removed and the land restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Policies CS.5 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.

Notes

1. The Local Planning Authority has taken into account paragraph 38 of the National Planning Policy Framework 2021, which details the need to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. It is noted from the report and monitoring that has taken place that background noise levels at night in this very quiet rural area are falling to extremely low levels and can fall below the 28dB used in the assessment.

It is recommended that the applicant works to an aim of 5dB(A) below background noise for the specific noise to ameliorate any potential for noise disturbance from the battery storage area. Additional attenuation may be achieved by considering one, or all the following:

- . Increasing the separation distance by relocation the storage units further away from the residential properties

- . Using equipment with a lower sound power level
 - . Provide a higher level of attenuation from the enclosure to the battery storage area.
3. Public footpaths SM59 and SM60 must remain open and unobstructed at all times unless closed by legal order.

DATED 31 May 2022



AUTHORISED OFFICER OF THE COUNCIL.....

This permission does NOT give approval under Building Regulations.

This permission does NOT convey any approval or consent which may be required under any enactment, by-law, order or regulation other than planning permission under the provisions of the Town and Country Planning Act 1990.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

STRATFORD-ON-AVON DISTRICT COUNCIL
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX

PRE-START CONDITIONS

You are reminded that some of the conditions attached to planning permissions (pre-start conditions) require details and schemes to be submitted and approved in writing before any work commences on site. You should therefore submit any details required at least 8 weeks prior to starting work and obtain the Council's written approval, if required, in order to comply with the planning condition.

Failure to comply with pre-start conditions may result in your planning permission being void.

FEES FOR THE DISCHARGE OF PLANNING CONDITIONS

In accordance with Statutory Instrument 958, a fee is now payable where a written request is made for the discharge of one or more planning conditions on the same permission or for the written confirmation of compliance with a planning condition or conditions. Further guidance on this process together with the associated fees is available on the Council's website

<https://www.stratford.gov.uk/planning-regeneration/the-application-process.cfm>

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice. For appeals against the refusal of Householder applications (i.e.: works to a dwelling or development within the garden of a dwelling) or Minor Commercial Development you must lodge your appeal within **12 weeks** of the date of the decision.

If the development is the same (or substantially the same) as that specified in an Enforcement Notice served on the same land, an appeal must be lodged within

- A) 28 days of the date of the planning decision if there is an extant Enforcement Notice served up to 2 years prior to the date of the decision
- B) 28 days of the date of the Enforcement Notice if the Notice is served after the date of the decision of the planning application for the same development

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate can allow a longer period of 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.

The Planning Inspectorate 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 it imposed, having regard to the statutory requirements to the provisions of the Development Order and to any directions given under the Order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Planning Inspectorate refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town and Country Planning Act 1990.

ADDRESSING YOUR NEW BUILDINGS

When you require the address(es) for this development contact "Street Naming and Numbering" at Stratford-on-Avon District Council, either by post or email 3720snandn@stratford-dc.gov.uk. You need to do this 6 weeks before utility contacts are required.

There will be an administrative charge for this service.

Information to include in your request can be found on www.stratford.gov.uk