## INDEX

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Parish/Details</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/01799/OUT</td>
<td>Stratford-upon-Avon Frankton, Bridgetown, Stratford-upon-Avon, Warwickshire CV37 7RT Residential development and creation of new access</td>
<td>1</td>
</tr>
<tr>
<td>06/02419/FUL</td>
<td>Ullenhall The Stables, Barrells Park, Ullenhall, Henley-in-Arden Warwickshire Enlargement of garden curtilage</td>
<td>11</td>
</tr>
<tr>
<td>06/02455/FUL</td>
<td>Binton Stone Croft, Binton, Stratford-upon-Avon, Warwickshire CV37 9TN Widening existing vehicular access to provide improved access and turning space.</td>
<td>16</td>
</tr>
<tr>
<td>TPO/093/036</td>
<td>Tanworth-in-Arden Graves Coppice including Limberlost, Juggins Lane, Earlswood Confirmation of Tree Preservation Order.</td>
<td>20</td>
</tr>
</tbody>
</table>

Recommendation: GRANT
**APPLICATION REFERENCE NO. 06/01799/OUT**

**EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th><strong>Site Address</strong></th>
<th>Frankton, Bridgetown, Stratford-upon-Avon</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposals</strong></td>
<td>Residential development and creation of new access</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Date Received</strong></th>
<th>21 June 2004</th>
<th><strong>Case Officer</strong></th>
<th>Louise Oftedal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Committee Date</strong></td>
<td>26 October 2004</td>
<td><strong>Presenting Officer</strong></td>
<td>John Clarke</td>
</tr>
<tr>
<td><strong>Type of Application</strong></td>
<td>Outline planning application with all details reserved</td>
<td><strong>Applicant</strong></td>
<td>Mr P Onions</td>
</tr>
<tr>
<td><strong>Ward Member(s)</strong></td>
<td>Beese Organ Seaman</td>
<td><strong>Town Council</strong></td>
<td>Stratford-upon-Avon</td>
</tr>
<tr>
<td><strong>Referral to Planning and Regulation Committee</strong></td>
<td>Only if objection is raised in principle</td>
<td><strong>Previous Committee</strong></td>
<td>No</td>
</tr>
</tbody>
</table>

**Description of Proposals**
- Residential development of an overall site of about 0.245 hectares with a developable area of about 0.2 hectares.
- Site located in middle of the Bridgetown residential estate.
- New access drive proposed across an area of land which is public open space.
- Propose to transfer land within the site as public open space to compensate for that lost through the new access drive.

**Reason for Referral to APC**
- Scale of development

**Planning Constraints**
- Within built-up area of Stratford upon Avon

**Key Issues**
- Principle
- Impact on character of the area including public open space
- Access
- Public open space
- Affordable housing
- Neighbours’ amenities
- Drainage
- Contribution to transport infrastructure

**Recommendation**
- GRANT
SUMMARY OF POLICY AND BACKGROUND PAPERS

POLICY

The Development Plan


STR.1 Settlement Hierarchy
STR.2A The Release of Allocated Housing Land
STR2B New housing development – density of development
STR.4 Previously Developed Land
PR.1 Landscape and Settlement Character
EF.10 Trees
DEV.4 Access
DEV.7 Drainage

Other Material Considerations

Central Government Guidance

PPG1 General Policy and Principles
PPG3 Housing
PPG13 Transport

Supplementary and other Planning Guidance

- District Design Guide
- Stratford Town Design Statement
- Developer Contributions towards Transport Schemes in Stratford upon Avon

Human Rights Act 1998

Article 6 : Right of a fair trial
Article 8 : Right to respect for private and family life
Article 1 of the First Protocol : Protection of Property

REPRESENTATIONS

Town Council

No objection to a replacement dwelling providing Policy COM.12 is complied with.
(04.08.2006)

Third Party Representations

2 letters have been received raising concerns over the development and are summarised as follows:

- Request that the existing mature trees within the site are protected and retained as they provide an important green background to the site and wider area.
- Bats are present in this area and are concerned that the development will take away some of their habitat.
- Request that the positioning of the proposed access be re-assessed as they feel that this part of the road is narrow and an existing access to Betjeman Road exists slightly further along.
Stratford upon Avon Society

Do not wish to make any comments. (14.08.2006)

APPLICANT’S COMMENTS

1) Letter of 21.06.2006-

- The site is located within the settlement boundary of Stratford-Upon-Avon and the principle of development is acceptable. Outline planning permission was granted in 2002 for two houses and planning application 04/02475/OUT was supported by the area planning committee. The site can accommodate 7 dwellings at a density of 30 per ha.

- The site currently has a right of way over a private drive in order to obtain access to the site. A revised access is proposed as part of the development.

- The revised access involves crossing an area of public open space and the applicant has taken into account the consequences of this. The proposed drive will result in the loss of approx. 40m$^2$ of public open space (POS) and are proposing to compensate for this by transferring 88m$^2$ of land within the site as POS. This solution was previously agreed by the Central Area Planning Committee.

- The previous application was recommended for approval subject to the completion of a legal agreement securing the provision of an affordable dwelling. The applicant did not sign the agreement and does not wish to complete an agreement in respect of affordable housing under this application.

- Consider that 3 significant changes have occurred since the application was considered in 2004:
  - The adoption of the Local Plan Review.
  - Policy COM.13 has been amended increasing the affordable housing threshold.
  - Completion of the majority of the strategic housing site and associated affordable housing.

- Frankton is a stand alone site to be determined in accordance with the development plan. Policy COM.13 requires a site of 15 or more dwellings or be larger than 0.5 ha to be eligible for affordable housing. The site is only 0.245 ha and the site constraints such as the public footpath and transfer of land as Public Open Space will restrict the development capacity of the site. They therefore consider that the site is considerably smaller than the threshold for providing affordable housing.

2) Letter from applicant, Mr Onions, 15.08.2006-

- Frankton is my only home and has been since 1997. Did not support the Trinity Mead development and was never given an opportunity to be part of the Consortium.

- Had bought a rural property and is now living in a high density development and cannot replace the quality of environment he once had even without the requirement for affordable housing.

- The outline planning permission for the Trinity Mead development excluded Frankton.
In accordance with Policy COM.13, the size of site is half that required under this policy.

Have agreed to transfer twice as much land as additional Public Open Space to compensate for that lost as a result of providing a new drive. Have also agreed to a transport contribution.

The proposed access to Frankton is owned by Heron/the Consortium. Heron have made it clear that a substantial ransom payment will be required in return for their agreement for access to the additional properties on the site.

CONSULTATIONS

Highway Authority
No objection subject to conditions. (31.07.2004)

County Rights of Way Officer
No objection, but must be consulted regarding any subsequent detailed application. (27.07.2006)

Environment Agency
Response given under application 04/02475/FUL:-
No objection subject to condition. (12.08.2004)

Severn Trent
No objection subject to condition. (28.07.2006)

Head of Construction and Property Services
No objection subject to conditions. (22.08.2006)

Forestry and Landscape Officer
There are a number of trees on or adjacent to the site which contribute to local amenity and are worthy of retention. The development access severs the linear open space. As compensation, a strip of the applicants land is proposed to be offered as public open space.

Provided sufficient protection of existing trees and hedgerows is secured, the only concern is whether sufficient measures are secured in order to minimise the impact of the loss and disruption of the public open space. (16.08.2006)

Development and Enabling Officer
Previously commented on this site on application ref. 04/02475/OUT and requested the provision of social housing within the scheme. Committee resolved to grant the application subject to the completion of a legal agreement securing the provision of a social housing unit on the site. The agreement was not signed and the application withdrawn.

Considers that in isolation, the site falls well below the thresholds for requiring social housing under Local Plan Review Policy COM.13. Despite this, it is necessary to assess
whether the site should be treated as part of the wider Bridgetown development as in the 04/02475/OUT application, or as a stand alone site.

Considers that since the earlier application (04/02475/OUT), the Local Plan Review has become adopted, thereby superseding the earlier adopted Local Plan and associated H.SuA1 development allocation, and the site now falls within the built-up area boundary for Stratford Town.

Considers that in light of these significant factors, the site cannot be considered as part of the larger Bridgetown development allocation and considers that it is not appropriate to seek to negotiate affordable housing under Policy COM.13. (15.08.2006)

**WCC Museum (Ecology)**

No evidence of bat roosts has been found on the site, however bats were observed commuting and foraging with the hedgerow within and across the site and adjoining hedgerow boundaries.

Do not require any further survey of the site but require a condition protecting the existing trees and hedgerows and notes to be attached. (10.08.2006)

**PLANNING HISTORY**

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Proposal</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/02475/OUT</td>
<td>Residential development and creation of new access</td>
<td>Supported by Committee subject to a S.106 agreement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequently Withdrawn on 14.11.2006</td>
</tr>
<tr>
<td>S98/0191</td>
<td>Erection of two houses</td>
<td>Granted 16.7.1998</td>
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</table>

**ASSESSMENT OF THE KEY ISSUES**

**Background**

This is application is re-submission following the withdrawal of planning application ref. 04/02475/OUT. This previous application went before the Central Area Planning Committee in November 2004 and Members resolved to grant permission subject to the completion of a legal agreement securing the provision of a social housing unit, transport contribution and provision of public open space.

The applicant failed to sign the Section 106 agreement as he contested the requirement to provide a social housing unit and eventually withdrew the application.

This application is identical to that considered under 04/02475/OUT.

**Principle**

This application was submitted prior to the implementation of the moratorium on further housing provision under Policy STR.2 of the Local Plan Review.
The site lies within the built-up boundary of Stratford upon Avon and constitutes brownfield (previously developed) land. The proposal is therefore acceptable in principle in accordance with the Structure Plan and Local Plan Review.

**Impact on character of the area including public open space**

Although no illustrative drawings have been submitted in support of the application, I have little doubt that an acceptable scheme could be devised for this rectangular site. During the course of the previous application 04/02475/OUT, the location of the access was revised to ensure that the development does not result in the unnecessary loss of any of the existing trees on the site and I propose to attach a condition ensuring the protection of the existing trees and hedgerows on site.

Government advice in PPG3 is that development should normally be at densities of at least 30 to 50 dwellings per hectare. This translates on a site this size to about 6 to 10 dwellings, depending on size and layout.

**Access**

The Highway Authority raises no objection to the general access position indicated. A reasonably safe access can be provided.

Access would need to be taken across an area which is public open space. A variation would need to be made to the S106 legal agreement for the Bridgetown development in order to allow for this to take place. I am satisfied that the imposition of a condition requiring that the access is provided prior to any works commencing on site would safeguard the situation. It would then be a matter for the various landowners to negotiate.

**Public open space**

The site access would cross land which is public open space. The applicant has offered to provide an equivalent area of public open space to compensate for this loss. This new open space area would help to solve an existing anomaly by allowing for the removal of a conifer hedge which separates the footpath from the adjoining open space and by bringing the public footpath within the area of open space.

**Affordable housing**

This site has come forward separately from the main Bridgetown development and is in separate ownership. Taken on its own, it is well below the threshold over which affordable housing would be required under Policy COM.13 of the Local Plan Review.

On the previous application 04/02475/OUT determined in Nov 2004, the site fell within the overall Local Plan allocation H.SuA1 and would not have been acceptable for development if the overall site had not been allocated. In light of these circumstances it was considered that site should be treated as being a part of the overall Bridgetown development site for the purposes of affordable housing policy and 1 affordable housing unit was required.

The applicants agreed to this requirement initially and a draft Section 106 agreement was drawn up. However upon further reflection the applicant refused to sign the agreement and the application was withdrawn.

Since this application was determined under 04/02475/OUT, a number of key changes have occurred in terms of the Development Plan framework. The Local Plan Review has become adopted thereby superseding the earlier adopted Local Plan. The site is therefore no longer identified as part of the H.SuA1 development allocation and the site now falls within the built-up area boundary for Stratford Town.
I consider that in light of these fundamental changes in the Development Plan, the site cannot be considered as part of the larger Bridgetown development allocation and it is not appropriate to seek to negotiate affordable housing under Policy COM.13.

**Neighbours’ amenities**

The site is flanked to the north-west by the large rear garden of Bridgetown Farmhouse and to the north-east by a site which has been developed by new houses forming part of the wider Bridgetown development. I am satisfied that adequate separations can be maintained and that the site can be developed without unacceptable harm to the amenities of neighbouring properties.

**Surface water drainage**

The application forms indicate drainage to soakaways. This may not be possible given the existing ground conditions. If not, I am satisfied that acceptable arrangements can be made to discharge to the new mains drainage system for the site, if necessary with attenuation to stop quick discharge during storms.

**Contribution to transport infrastructure**

In line with the Council’s Supplementary Planning Guidance on transport contributions, the applicant will be required to provide a financial contribution towards transport schemes within Stratford-upon-Avon. The site may accommodate between 6 to 10 dwellings depending on the size and layout of the proposed reserved matter scheme. This translates to a minimum financial contribution of £9,576 for 6 houses and a maximum contribution of £17,237 for 10 dwellings.

These funds will be secured via a Legal Agreement and the applicant has confirmed that he is willing to pay these contributions.

**RECOMMENDATION**

That SUBJECT to the completion of a legal agreement or unilateral undertaking securing (a) a contribution to transport schemes in Stratford-upon-Avon in accordance with the Council’s adopted Supplementary Planning Guidance (between £9,576 to £17,237 dependent upon final number of dwellings), (b) the provision of public open space including the public footpath and the land to the south-west of the footpath and provision for the maintenance of such public open space, to the satisfaction of the Area Planning Officer, planning permission be GRANTED, subject to the following conditions:-

1. No part of the development hereby permitted shall be commenced until approval of the details of the siting, design and external appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the District Planning Authority in writing.

   **Reason** To comply with Section 91 of the Town and Country Planning Act 1990.

2. Plans and particulars of the reserved matters referred to above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the District Planning Authority and shall be carried out as approved.

   **Reason** To comply with Section 91 of the Town and Country Planning Act 1990.
3. Application for approval of the reserved matters shall be made to the District Planning Authority before 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.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason To comply with Section 92 of the Town and Country Planning Act 1990. The District Planning Authority does not consider that there are overriding reasons to set a different duration for the permission.

5. No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing and proposed site levels and finished floor levels of the buildings have been submitted to and approved in writing by the District Planning Authority and the development thereafter shall only be carried out as approved.

Reason To ensure that the development is properly integrated with its surroundings.

6. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site shall has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837 : 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason To protect trees and other features on site during construction.

7. No part of the development hereby permitted shall be commenced until a scheme for the disposal of surface water has been submitted to and approved in writing by the District Planning Authority and thereafter no part of the development shall be occupied until the approved works have been carried out.

Reason To ensure that adequate drainage is provided in the interests of public health and amenity.

8. No building construction works shall be commenced within the site unless and until a new access from the estate road has been laid out and constructed to base course level in accordance with details submitted to and approved by the District Planning Authority as part of the reserved matters for this outline permission. All construction traffic into the site shall thereafter use the approved access.

Reason To ensure that safe and adequate access is provided.

9. More than one vehicular access shall not be maintained to the site from the existing public highway.
Reason  In the interest of highway safety.

10. No house, that has a downpipe, within the development hereby permitted shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.

Reason  In the interest of sustainable development (conservation of water).

Notes

(i) The applicant is advised to liaise with the Area Planning Officer or his representative prior to the submission of Reserved Matters on this site in order to ensure the submission of an acceptable scheme.

(ii) The applicants’ attention is drawn to Sections 60 and 61 of the Control of Pollution Act, 1974 which provides control over construction site noise. The following requirements must be complied with in connection with the carrying out of works upon the development site:

1. All works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Council, shall be carried out only between the hours of 08:00 and 18:00 on Mondays to Fridays, and between the hours of 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer’s instructions.
4. Any emergency deviation from these conditions shall be notified to the Head of Environmental Health and Housing without delay.

Contravention of the Act without reasonable excuse will constitute an offence and may lead to a fine of up to £5,000 for a first offence with further financial penalties for a second or subsequent offence. For further information on these controls please contact the Council’s Environmental Protection Team on 01789 260820.

(iii) The public footpath through the site must remain open, unobstructed and available for public use. The surface of this public footpath must not be disturbed or altered without the prior consent of the Highway Authority – Countryside Recreation at Warwickshire County Council.

(iv) It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees, and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside of these dates if at all possible.

(v) Bats can be found in many buildings and trees, even those which initially appear to be unsuitable. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and recommendations made following the survey are undertaken. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.
(vi) The applicant should note that in order to provide satisfactory highway arrangements, the Highway Authority have outlined that the following measures will need to be incorporated within any subsequent Reserved Matters scheme:

- The development shall not be commenced until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
- The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the District Planning Authority in consultation with the Highway Authority.
- The access to the site for vehicles shall not be used until it has been provided with 6 metre kerbed radiused turnouts on each side.
- The access to the site shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
- The development shall not be commenced until a turning area has been provided within the site so as to enable a pantechnicon to leave and re-enter the public highway in a forward gear.
- Before the development is commenced, the further written approval of the District Planning Authority shall be obtained for the design of the estate road layout serviced the development including footways, verges, footpaths, private drives and means of accessing individual plots. These details shall include large scale plans and sections showing the layout, vertical alignment and surface water drainage details including the outfall.
- The development shall not be commenced until the applicant/developer has entered into an agreement with the existing adjacent developer for approval of the proposed scheme. The applicant shall submit the agreement to the Highway Authority for information purposes.

The Reason for Recommending Granting Planning Permission

The development proposals comply with the policies and proposals of the Warwickshire Structure Plan 1996-2011 and the Stratford on Avon District Local Plan Review 1996-2011. There are no material considerations that are sufficient to justify overriding these policies.

The decision to grant planning permission has been taken having regard to the policies and proposals as set out in the Policy Section above.
### EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Site Address</th>
<th>The Stables, Barrells Park, Ullenhall, Henley-in-Arden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals</td>
<td>Enlargement of garden curtilage</td>
</tr>
<tr>
<td>Date Received</td>
<td>18 August 2006</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Neil Pearce</td>
</tr>
<tr>
<td>Committee Date</td>
<td>26 October 2006</td>
</tr>
<tr>
<td>Presenting Officer</td>
<td>Neil Pearce</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Full planning application for change of use</td>
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<tr>
<td>Applicant</td>
<td>Mr &amp; Mrs J Davies</td>
</tr>
<tr>
<td>Ward Member(s)</td>
<td>Dixon Flower</td>
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<tr>
<td>Parish Council</td>
<td>Ullenhall</td>
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<tr>
<td>Referral to APC</td>
<td>No</td>
</tr>
<tr>
<td>Previous Committee</td>
<td>No</td>
</tr>
</tbody>
</table>

| Description of Proposals   | Change of use of land from paddock to domestic        |
|                           | Site area is 330sqm (0.033ha)                         |
| Reason for Referral to APC| Parish Council objection                             |
| Planning Constraints       | Green Belt                                            |
|                           | Special Landscape Area                                |
| Key Issues                | Principle                                             |
|                           | Green Belt & Special Landscape Area                   |
| Recommendation            | GRANT                                                 |
SUMMARY OF POLICY AND BACKGROUND PAPERS

POLICY

The Development Plan

Warwickshire Structure Plan 1996 - 2011

GD.6 Green Belt
ER.4 Protection and Enhancement of the Landscape

The Stratford-on-Avon District Local Plan Review 1996-2011

PR.1 Landscape and Settlement Character
PR.2 Green Belt
EF.2 Special Landscape Areas
DEV.2 Landscaping
CTY.1 Control over Development

Other Material Considerations

Central Government Guidance

PPS1 Creating Sustainable Communities
PPG2 Green Belts

Supplementary Planning Guidance

District Design Guide

Human Rights Act 1998

Article 6: Right of a fair trial
Article 8: Right to respect for private and family life
Article 1 of the First Protocol: Protection of Property

REPRESENTATIONS

Parish Council

4 Councillors object on policy grounds. They see no reason why it cannot remain as paddock land. 3 Councillors raise no objection for it becoming garden land. It seems close to the house and a long way from neighbouring property (26.09.2006)

Third Party Representations

A letter of objection has been received from the occupiers of Luxborough House on the grounds that it is inappropriate development within the Green Belt. Concerns are also raised over the history of the site, authorised curtilage and lack of landscaping proposals. (12.09.2006)
RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Proposal</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/02294/FUL</td>
<td>Conversion of coach house into garages with accommodation over together with single storey garden room line.</td>
<td>Granted 10.09.2004</td>
</tr>
<tr>
<td>01/01148/FUL</td>
<td>House extension</td>
<td>Granted 22.05.2001</td>
</tr>
</tbody>
</table>

ASSESSMENT OF THE KEY ISSUES

The application site lies adjacent to the residential property known as The Stables and measures 330sqm. It has been fallow for a number of years.

Planning permission was granted in 2001 for an extension to the existing house (The Stables). At that time the authorised residential curtilage was established. It is apparent that there is a very limited amount of residential curtilage around the existing buildings. Since 2001 the curtilage has been extended without the benefit of planning permission. This application seeks planning permission for the use of part of the land outside the authorised curtilage as residential curtilage. Further investigations are currently under way with regard to the remainder of the unauthorised curtilage.

The application site is situated in the West Midlands Green Belt and the Arden Special Landscape Area. PPG2: Green Belts states that the “carrying out…and the making of material changes in the use of land are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

There are five purposes of including land within the Green Belt; to check unrestricted sprawl of large built up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

It is not proposed to erect any structures on the land. The land is currently left to fallow and has not being actively farmed for some time. The site is enclosed along the eastern boundary with existing ranch rail fencing which forms the eastern boundary between the land owned by the applicant and the adjoining equestrian paddock. The property currently benefits from a substantial paddock to the north of the property to which the application site currently forms part of. The site is well related to the dwellinghouse, where it is typically expected to benefit from a degree of domestic curtilage.

The character of the land is presently open and it would remain so with this application. It is therefore considered that the proposal would maintain the openness of the Green Belt without compromising the purpose of including land within the Green Belt. It is therefore deemed to be appropriate development in the Green Belt.

It is proposed to restrict development on the site, should permission be granted, by removing permitted development rights. Soft landscaping and boundary treatments will also be controlled by condition.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:
1. The development hereby permitted shall be begun before 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Class E, F and G of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without planning permission granted by the District Planning Authority.

Reason To prevent harm being caused to the amenity of the area.

3. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the District Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

The works approved as part of this condition shall be completed within the first planting season following the date of this planning permission.

Reason To ensure that a high standard of landscape associated with the development is achieved.

4. If within a period of 5 years from the date of first planting, any tree or shrub, or any replacements, is removed, uprooted or destroyed or dies or becomes in the opinion of the District Planning Authority, seriously damaged or defective, replacements of the same species and size as originally planted shall be planted at the same place unless otherwise agreed in writing by the District Planning Authority.

Reason To ensure a high standard of landscape design.

5. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the District Planning Authority. The boundary treatment/means of enclosure approved as part of this condition shall be completed in accordance with a timetable which has been agreed, in writing, by the District Planning Authority.

Reason To ensure a high standard of design for the development.

Note to Applicant

Work should avoid disturbance to nesting birds. Nesting birds are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. The main nesting season lasts approximately from March to September, so work should take place outside these dates if at all possible. However, birds can nest at any time and the site including any buildings should ideally be checked for their presence immediately before work starts.
The Reason for Recommending Granting Planning Permission

The development proposals comply with the policies and proposals of the Warwickshire Structure Plan 1996-2011 the Stratford on Avon District Local Plan and the Stratford on Avon District Local Plan Review 1996-2011. There are no material considerations that are sufficient to justify overriding these policies.

The decision to grant planning permission has been taken having regard to the following policies and proposals as set out in the policy section above.
### EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th><strong>Site Address</strong></th>
<th>Stone Croft, Binton, Stratford-upon-Avon</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposals</strong></td>
<td>Widening existing vehicular access to provide improved access and turning space.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Date Received</strong></th>
<th>23 August 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Officer</strong></td>
<td>Joanne Long</td>
</tr>
<tr>
<td><strong>Committee Date</strong></td>
<td>26 October 2006</td>
</tr>
<tr>
<td><strong>Presenting Officer</strong></td>
<td>John Clarke</td>
</tr>
<tr>
<td><strong>Type of Application</strong></td>
<td>Full planning application</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>K Barclay</td>
</tr>
<tr>
<td><strong>Ward Member(s)</strong></td>
<td>Winterburn</td>
</tr>
<tr>
<td><strong>Parish Council</strong></td>
<td>Binton</td>
</tr>
<tr>
<td><strong>Referral to Planning and Regulation Committee</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Previous Committee</strong></td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Description of Proposals</strong></th>
<th>Access approved at 3.3m proposed to be increased to 5.5m</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reason for Referral to APC</strong></td>
<td>Parish Council objection</td>
</tr>
<tr>
<td><strong>Planning Constraints</strong></td>
<td>Conservation Area</td>
</tr>
<tr>
<td></td>
<td>Special Landscape area</td>
</tr>
<tr>
<td><strong>Key Issues</strong></td>
<td>Impact on highway safety</td>
</tr>
<tr>
<td><strong>Recommendation</strong></td>
<td>GRANT</td>
</tr>
</tbody>
</table>

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16
SUMMARY OF POLICY AND BACKGROUND PAPERS

POLICY

The Development Plan

Warwickshire Structure Plan 1996 - 2011

GD.1 Overriding Purpose
ER.1 Natural and Cultural Environmental Assets

The Stratford-on-Avon District Local Plan Review 1996-2011

EF.2 Special Landscape Areas
EF.13 Conservation Areas
DEV.1 Layout and Design
DEV.2 Landscaping
DEV.4 Access

Other Material Considerations

Central Government Guidance

PPS 1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

Supplementary Planning Guidance

District Design Guide

Human Rights Act 1998

Article 6: Right of a fair trial
Article 8: Right to respect for private and family life
Article 1 of the First Protocol: Protection of Property

REPRESENTATIONS

Parish Council

Object on the following grounds:-

- Stone Croft is specifically listed by Stratford District Council as being included in the Binton Conservation Area Document (1991). The then existing dry stone wall (blue lias limestone) was partially knocked down without the necessary planning permission, as part of the previous development for the site.
- The Parish Council contacted the owners to encourage them to re-establish the wall to its former status and to the approved standard. This current application appears merely to seek authentication of what has already happened – a matter that was entirely foreseeable and to which the Parish Council objected at the time as being contrary to the protection of the Conservation Area as referred to above. (13.09.2006)
Ward Members

Councillor Winterburn

I am not at all keen to see this done because the appearance of the main street in Binton has already been greatly spoiled by similar alterations. (08.09.2006)

I am aware however, that these are not material considerations. (11.10.2006)

Third Party Representations

Two letters have been received objecting on the following grounds:

- Loss of large section of wall that is an important feature of the conservation area.

RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Proposal</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/01203/FUL</td>
<td>Extension and formation of vehicular access</td>
<td>Granted 27.11.2003</td>
</tr>
</tbody>
</table>

ASSESSMENT OF THE KEY ISSUES

The removal of a section of wall within the Conservation Area does not in itself require either planning permission or Conservation Area consent. The application is therefore for the widening of the access not the removal of the wall. The key issue is therefore the impact on highway safety.

Planning permission was granted in 2003 (03/01203/FUL) for an extension and access to Stone Croft, which is now under construction. It appears that since the application for the extension was granted, the adjacent property 174 Binton has been purchased by the owner of Stone Croft. As a result part of the garden of Stone Croft is now under the ownership/control of 174, and is used for parking. Due to the parking and turning space now serving two properties (the approved scheme provided parking and turning space for Stone Croft only), if a car parks in front of the garage at Stone Croft it blocks access for 174. The increase in width of the access from 3.3m to 5.5m will allow both driveways to be used without blocking each other. Neither property will have turning facilities entirely within their control, and realistically vehicles will have to reverse out of the site.

The road has a 30mph limit on it and adjacent the side there is only a footpath on the application side. There are a number of accesses adjacent to the one proposed most appear to be 4m to 4.5m and have space to turn within the site, they serve, in the main, single properties.

In order to protect the character and appearance of the Conservation Area it would be preferable to reduce the width of the access to 5 metres which would still allow for the easy manoeuvring of vehicles. It is likely that vehicles using the parking spaces will have to reverse out onto the main road. However, there is relatively good visibility at this point and it is not considered that this would have a detrimental impact on highway safety, given the relatively low speed of traffic.

RECOMMENDATION

That subject to the receipt of an amended plan which reduces the width of the proposed access to 5 metres, to the satisfaction of the Area Planning Officer, planning permission be GRANTED subject to the following conditions:
1. The development hereby permitted shall be begun before 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.

2. The access shall be surfaced and the wall rebuilt to the approved width in accordance with details and a timetable to be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development hereby permitted.

Reason To ensure a satisfactory and safe development.

3. Any gates or other features shall be hung so as to open inwards or fixed in such a manner that when open, there is no overhang to any part of the highway.

Reason In the interest of highway safety.

The Reason for Recommending Granting Planning Permission

The development proposals comply with the policies and proposals of the Warwickshire Structure Plan 1996-2011 the Stratford on Avon District Local Plan and the Stratford on Avon District Local Plan Review 1996-2011. There are no material considerations that are sufficient to justify overriding these policies.

The decision to grant planning permission has been taken having regard to the following policies and proposals as set out in the policy section above.
## EXECUTIVE SUMMARY

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Graves Coppice including Limberlost, Juggins Lane, Earlswood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals</td>
<td>Confirmation of Tree Preservation Order</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Received</th>
<th>N/A</th>
<th>Case Officer</th>
<th>Ruth Rose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Date</td>
<td>26 October 2006</td>
<td>Presenting Officer</td>
<td>Neil Pearce</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Tree Preservation Order</td>
<td>Owner</td>
<td>Various owners</td>
</tr>
<tr>
<td>Ward Member(s)</td>
<td>Dixon Flower</td>
<td>Parish Council</td>
<td>Tanworth-in-Arden</td>
</tr>
<tr>
<td>Referral to Planning and Regulation Committee</td>
<td>No</td>
<td>Previous Committee</td>
<td>No</td>
</tr>
</tbody>
</table>

### Description of Proposals
- Confirmation of Tree Preservation Order on one woodland

### Reason for Referral to APC
- Objection to serving of TPO by one of the owners

### Planning Constraints
- Tree Preservation Order
- Ancient semi-natural woodland

### Key Issues
- Statutory duty
- Policy

### Recommendation
- Confirm the Order as made
SUMMARY OF POLICY AND BACKGROUND PAPERS

POLICY

The Development Plan

Warwickshire Structure Plan 1996 – 2011
ER.1 Natural and Cultural Environmental Assets

EF.10 Trees, Woodland and Hedgerows

Other Material Considerations

Central Government Guidance

Circular 36/78
Town & Country Planning Act 1990 sections 197-201
Town & Country Planning (Trees) Regulations 1999
DETR Tree Preservation Orders – A Guide to the Law and Good Practice 2000

Forestry Commission Policy Document – Keepers of Time
Regional Policy Framework

Human Rights Act 1998

Article 6 : Right of a fair trial
Article 8 : Right to respect for private and family life
Article 1 of the First Protocol : Protection of Property

BACKGROUND

A woodland Tree Preservation Order (TPO) was served on 18 May 2006 covering a woodland area known as Graves Coppice, including Limberlost, Juggins Lane, Earlswood. The Order was served because areas of the woodland were considered to be under threat from felling or proposed development. The northern section of the woodland which includes the property Limberlost and a breaker’s yard, formed a site proposed for residential development (06/00706/OUT). The southern section of the woodland lies adjacent to Hartley Park Homes (Oak Tree Farm Mobile Homes Park) and the southwestern edge of the woodland had been subjected to felling by the landowner of this section of woodland, Mr Hartley. Objection to the serving of the Order has been received from this owner, Mr Hartley. No objections have been received from the other owners of the woodland.

REPRESENTATIONS

Following the serving of the TPO, a letter of objection was received from the owner’s agent.

Owner’s Objection

Lodge objection to the Tree Preservation order for the following reasons: -

- it is not considered expedient in the interests of amenity to include all of that land delineated in a thick black line within the Tree Preservation Order.
- in this respect, the Council are unable to show that a reasonable degree of public benefit would accrue by the inclusion of all such land, as significant parts are not visible from a public place. The Order in its present form and extent should therefore not be confirmed. (08.06.2006)

**RELEVANT PLANNING HISTORY – this relates to the northern section of the woodland**

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Proposal</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/00706/OUT</td>
<td>Demolition of existing dwelling, workshops &amp; other buildings. Redevelopment of site for residential purposes.</td>
<td>Withdrawn 09.06.2006</td>
</tr>
</tbody>
</table>

**ASSESSMENT OF THE KEY ISSUES**

The objector considers that it is not expedient in the interests of amenity to include all the land delineated within the Order. They also do not consider that the Council can show that a reasonable degree of public benefit would accrue by the inclusion of all of the land.

The District Council considers that the woodland was under threat from piece-meal felling in the southwestern section and it was concerned that further encroachment may occur. The northern section of the woodland was considered to be under threat from a proposed development, which could have resulted in tree felling and damage to the woodland habitat. The small, already felled section to the southwest of the woodland has been excluded from the Order, as has the area of the breaker’s yard in the north.

The TPO woodland boundary essentially follows the boundary of English Nature’s delineated boundary for Graves Coppice, Ancient and Semi-Natural Woodland, with the exception of the southwestern section mentioned above and the addition of two tree covered strips on the eastern boundary of the woodland. The woodland has a public footpath running through it and is bound by a highway on the western boundary and part of the eastern boundary. It is considered that the woodland is highly visible from surrounding public highways and footpath. It therefore can be considered to be of high public amenity value and worthy of a Tree Preservation Order.

The Tree Preservation Order is protecting the woodland as one entity because of its visual amenity value and also to afford the woodland habitat protection. It is therefore considered that public benefit would accrue by the inclusion of the whole woodland within the Order. Omitting sections of the woodland from the Order, especially on the southern boundary adjacent to the caravan park, is likely to result in further piece-meal felling of this important habitat.

**RECOMMENDATION**

The objection duly made to the Order has been considered above, and I am of the opinion that the woodland is of appropriate amenity value to warrant the protection of a Tree Preservation Order. The woodland is considered as one entity, one landscape feature and as such the delineation of the woodland on the Tree Preservation Order can be justified.

The making of a Tree Preservation Order under section 201 of the Town and Country Planning Act 1990 is delegated to the Head of Planning Services and the Head of Member Services. Confirmation of opposed Tree Preservation Orders is a matter for the West Area Planning Committee.

Planning Committee Members can either: -
(i) Confirm the Order as made.

(ii) Confirm the Order with modifications (change name of TPO, amend the boundary of the woodland on the plan etc.)

(iii) Refuse to confirm the Order (removing the protection on the woodland)

I would recommend that Members decide to choose option (i) and **CONFIRM** the Order as made.