

**(6) Application No's PAP/2017/0659 and PAP/2017/0660**

**A) PAP/2017/0659**

**Cuckoo's Rest, Whitehouse Road, Dordon**

**Demolition of existing public house and construct new convenience store (Use Class A1) with separate A1/A2 Use unit (Shop/professional services) parking and access**

**B) PAP/2017/0660**

**Land to the rear of the Co-op, New Street, Dordon**

**Demolition of the existing convenience store, and construction of two three bed and nine two be dwellings with associated parking and access**

**Both for the Tamworth Co-op**

**Introduction**

These two linked applications were referred to the August Board but determination was deferred in order that Members could meet with the applicant to discuss matters raised during the Board debate.

That meeting takes place after the date of preparation of this report and thus a note of the meeting will be circulated prior to the Board's meeting.

A copy of the previous report is attached at Appendix A.

**The Meeting**

In particular the Board had requested details of why the Cuckoo's Rest public house could not be retained and extended in order to provide retail accommodation. In this way some of the local character of the area could be retained. Also Members requested if there could be a small café within the retail space. In respect of the New Street site, then Members asked why the building here could not revert back to residential use so as to maintain the local character of the area with a terraced built form.

**Recommendation**

Dependant on the outcome of the meeting of 24 August, the recommendations as set out in Appendix A be confirmed.

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**Introduction**

The applications are referred to the Board given its interests in former planning decision at these two sites.

The two applications are reported together because the Co-op proposes to demolish its current store in New Street and relocate the business to a purpose built store on the site of the Cuckoo's Rest, a former public house on Whitehouse Road. The New Street site together with land at the rear would be redeveloped with new dwellings. The two proposed developments would be linked by a legal agreement. The Co-op is the applicant and owner of the two sites.

**The Sites**

**a) The Cuckoo's Rest**

The site has an area of 0.184ha and is occupied by the now vacant Cuckoo's Rest public house. This is a prominent corner site at the junction of Whitehouse Road, Roman Way and Long Street. The site comprises the public house building with a gross floor area of around 218sq metres; one additional small outbuilding, outdoor garden, play area and a car park which provides sixteen parking spaces. There are existing vehicle accesses onto Whitehouse Road and to Roman Way. The building and the outbuilding are sited in the south west corner of the site, adjacent to Roman Way, with the car park providing an open frontage to Whitehouse Road.

The Dordon Library is immediately to the west of the site and there are existing dwelling houses to the rear of this and Number 1 Roman Way is closest to the western boundary, but does not overlook the site. A dwelling also adjoins the northern boundary and houses on the opposite side of Whitehouse Road, to the east, overlook the site.

A traffic calming scheme has been implemented on Whitehouse Road, Long Street and Roman Way and there is a raised speed table within the carriageway close to the position of proposed vehicle entrance to the development.

There is a mature tree within the site close to Whitehouse Road.

The location of the site and a photo of the existing building are below.



### **b) New Street**

The site lies behind properties on New Street and Long Street, Dordon but also includes the Co-op store fronting New Street. The access from New Street slopes down into the site, with the remainder of the site being relatively flat, but there is a fall from north to south. The site area is 0.29 hectares. An existing track to the side of the Co-op provides access to New Street and this access is also used by some of the dwellings on New Street. The land is overgrown at the present time. It is bounded by a mixture of fencing and walling, with just the one noticeable tree to the eastern side. Gardens leading up to the site boundaries are long but narrow to reflect the predominant terraced housing pattern along both New Street and Long Street. There are exceptions to this pattern to the northern boundary with a relatively recent bungalow and two further dwellings erected to the rear of the Brown's Lane shops.

New Street and Long Street are characterised by on street parking, with Long Street carrying parking restrictions to one side. The Co-op presently has no turning or loading area for HGV's, such that they park on the highway in front of the store for deliveries.

The location plan is below together with a photo of the existing Co-op store



## The Proposals

### a) The Cuckoo's Rest

It is proposed to demolish the existing public house building and construct a new building for use as a convenience food store, (Use Class A1), incorporating a smaller shop/professional services use, (Use Class A1/A2); the formation of a new vehicle access onto Whitehouse Road and a car parking area with twenty parking spaces and manoeuvring/turning space for an articulated delivery vehicle. Additionally, the present Post Office in the New Street store would be relocated here. The proposed new building would have a gross floorspace of 532 m<sup>2</sup>, the convenience store will have a gross floor area of 424 m<sup>2</sup> and the attached retail/professional services unit would have a gross floor area of 108m<sup>2</sup>. The proposal is single storey, with a pitched hipped roof.

Below is the site plan and elevation for the proposal, and further plans can be viewed in Appendix A with photographs of the site in Appendix B.



Elevation - facing car park. Scale 1/100.



## *Accommodation.*

*Unit A - 424 sq.m. (4563 sq.ft.)  
Convenience Store (Use Class A1)*

*Unit B - 108 sq.m. (1162 sq.ft.)  
Retail / Professional  
Services Unit (Use Class A1 / A2).*

The existing vehicle accesses to Roman Way and Whitehouse Road would be closed and a new access to Whitehouse Road would be formed to provide a single vehicle access to the development.

A bus shelter is proposed to be provided within the northern tip of the site to serve the existing bus stop on Whitehouse Road. The scheme also includes a bench to the front of the store, with a cycle area. The eastern and northern boundaries would contain an acoustic fence.

The applicant has set out that the existing Co-op would close once this new store has opened and it would be subsequently demolished. This is confirmed within a legal agreement.

The proposed opening times for the convenience store would be from 0700 hours until 2200 hours Monday to Sunday including Bank holidays.

A delivery management plan states deliveries to the convenience store would take place between 0700 to 2000 hours on Monday to Saturday; between 0800 to 1600 hours on Sunday and between 0800 to 2000 hours on public holidays. There would be up to 6 deliveries on most days. Deliveries would be made by a 12 metre long rigid HGV vehicle.

The employees of the existing store would be relocated to the new store, and there would also be new job opportunities. The store would employ 4 full time workers and 12 part time workers.

The application has been submitted with the supporting documents.

A Transport Statement considers that the level of parking on site is appropriate for the development. The document has evidenced this, using parking and vehicle movements at similar stores – e.g. a similar sized Coop site in Dosthill, Tamworth.

An Ecological Appraisal considers the possibility for bat roosts to be low as is the case for protected birds. Bird boxes are however suggested.

A viability report for the use of the site as a public house, considers historic trading at the facility and concludes that it is not viable and would not generate sufficient profit to continue particularly as there is a range of existing other public houses and drinking establishments in the area. The finance required to invest in the public house is likely to risk business failure.

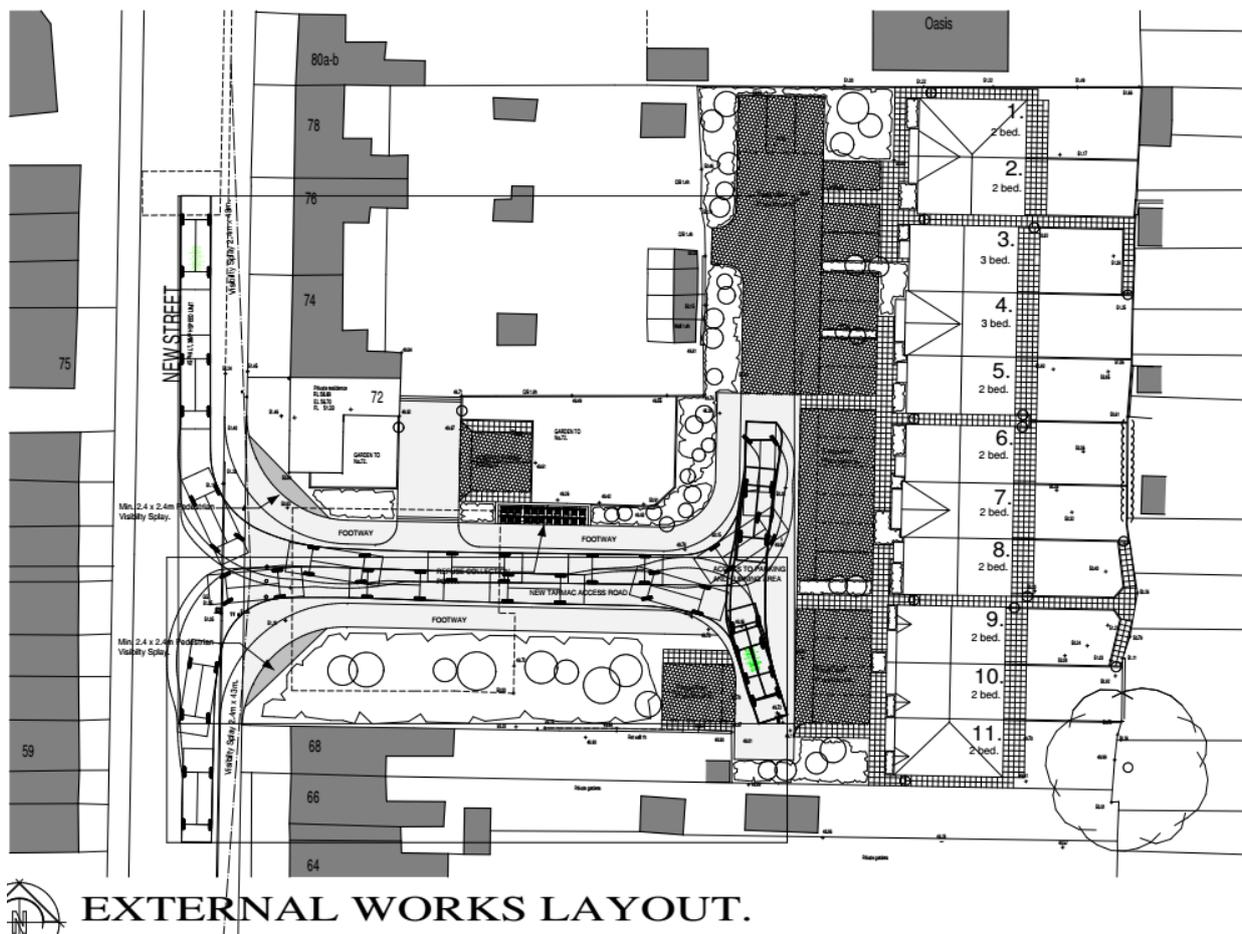
A signed Legal Agreement has been submitted with the application so as to secure the occupation of the new convenience store by the Tamworth Cooperative Society upon the cessation of the retail use at the existing store premises on New Street.

#### **b) New Street**

It is proposed to demolish the existing Co-op convenience store and construct eleven new dwellings on the land to the rear. The proposed housing site would offer two affordable units.

The proposal will also include works to provide a garden to Number 72 with parking, a new access, a footway from New Street, turning area and parking, along with landscaping. Existing dwellings on New Street have a rear access to parking areas, which would be retained.

Below is a site plan of the proposal, and additional plans can be viewed in Appendix C, and site photos can be viewed in Appendix D.



The eleven dwellings will consist of two, three bed and nine, two bed units along with twenty two parking spaces and two spaces for number 72. The dwellings would be two storey and contain garden spaces and rear garden access points. The land slopes down from New Street to the rear dwellings, with drop of 1.5 metres. The landscaping and boundary treatments are not known at this stage. The dwellings would be 8 metres in height and contain chimneys. The final materials details are not known, however the elevation plan sets out the main type of materials as proposed, the landscaping, boundary fencing, paving, block paving, grass and trees and shrubs.

## Background

- a) An application from 2014 for the demolition of the Cuckoo's Rest and redevelopment of site with a new building to provide a convenience store with three residential apartments above and a separate attached retail unit, was refused by the Council and an appeal dismissed. This appeal decision can be viewed in Appendix E.
- b) The site of the existing Co-op in New Street benefitted from a planning permission in 2015 for eight dwellings and again in 2012 for eleven dwellings.
- c) The Cuckoos' Rest was nominated to become a community asset and it was successfully included on the register of such assets. However there was no written intention by a community interest group to bid for the premises within the specified period and thus the owner became free to sell the asset. This has happened and the Co-op now owns the site.

## **Development Plan**

### **a) Cuckoo's Rest**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW20 (Services and Facilities) and NW21 (Transport)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON5 (Facilities relating to the Settlement Hierarchy), TPT1 (Transport Considerations for New Developments), TPT2 (Traffic Management and Traffic Safety), (TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **b) New Street**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW20 (Services and Facilities) and NW21 (Transport)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT2 (Traffic Management and Traffic Safety), TPT3 (Access and Sustainable Travel and Transport and TPT6 (Vehicle Parking)

## **Other Relevant Material Considerations**

### **a) Cuckoo's Rest**

The Submitted North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP11 (Economic Regeneration), LP14 (Landscape), LP21 (Town Centres and Neighbourhood Centres), LP22 (New Services and Facilities), LP23 (Loss of Services and Facilities), LP25 (Transport Assessments), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP33 (Shop Fronts, Signage and External Installations) and LP36 (Parking)

National Planning Policy Framework 2012 – (the “NPPF”)

National Planning Practice Guidance

### **b) New Street**

The Submitted North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP11 (Economic Regeneration), LP14 (Landscape), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

National Planning Policy Framework 2012 – (the “NPPF”)

National Planning Practice Guidance

## **Consultations – The Cuckoo’s Rest**

The Council’s Tree Officer – No objection

Warwickshire Police (Architectural Liaison) – No objection

Warwickshire Fire Service – No objection

Environmental Health Officer – No objection subject to conditions

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Severn Trent Water Ltd - No objection

## **Representations – The Cuckoo’s Rest**

Twenty four letters have been received referring to the following:

- Disruption from store deliveries.
- Traffic and safety issues from the site, impacting upon the nearby school and local highway network
- Staff will take up customer parking spaces
- Closing time of 2300 hours is too late.
- Acoustic fence to boundary is essential
- Impact from the development upon amenity from noise and disturbance
- There is a community asset order placed on building
- Dordon already has a number of convenience stores.
- The site should be used for affordable housing.
- There was a previous refusal on Cuckoo’s Rest for development and there are reasons for that refusal that have not been overcome.
- The smaller unit should be a community café
- There should be no A3 use on the site
- Loss of the public house, will lead to no such social/community use. It was “deliberately” allowed to become unviable.
- Impact upon the viability and vitality of the existing centres
- The design should be revised to be more in keeping with the existing building. Glascote Co-op is a good example
- Does the Oak tree have to be removed
- Co-op does not deliver upon planning agreements and decisions

A survey of customers using the New Street Co-op is also submitted – see Appendix F. It is suggested that this shows that existing customers mainly walk to this store and that they would when asked, be reluctant to walk to the new site. Even those driving would be reluctant to change too. Many considered that traffic issues in the street would not be removed if the store was relocated.

## **Consultations – New Street**

Warwickshire County Council as Flood Authority – No objection subject to conditions

Warwickshire Police (Architectural Liaison) – No objection.

AD (Streetscape) – No objection as the bin collection positions are acceptable and operationally the service will be able to continue

Environmental Health Officer – No objection subject to a Construction Management Plan being agreed

AD (Housing) – No objection

Warwickshire Fire Services – No objection

Severn Trent Water Ltd – No objection

Warwickshire County Council as Highway Authority – The County objects because it considers that the new bell mouth junction will have a potentially detrimental effect on the highway network in that refuse and recycling collections could have a significant impact on traffic flows in New Street.

### **Representations – New Street**

Two local residents have raised the following points:

- The store should be retained with no houses constructed
- Additional housing will add to the impact upon the street which cannot cope with existing traffic
- The store is a lifeline to local elderly people
- The existing store should provide rear parking
- The need to retain rear access

## **Observations**

The two sites are within the built up area of Dordon and given its status as a Category One settlement in the Core Strategy and the Submitted Local Plan, there is no objection in principle to either of these applications. Each however will need examination under a number of detailed issues.

Whilst the applications are linked, they should first be assessed on their own individual merits.

### **a) The Cuckoos Rest**

#### **The Loss of the Existing Use**

The Cuckoo's Rest is the only remaining public house within Dordon. There are however several other licensed premises within Dordon, including the nearby Dordon Club, now open to all; the Dordon Institute Social Club and the Birch Coppice Social Club. Several other public houses can be found within a distance of 1 to 1.5 miles, at Birchmoor, Polesworth and Grendon. Nevertheless, Development Plan policy is to aim to seek to retain local community facilities where possible – a point made by the Inspector dealing with the appeal for the previous case.

However there are considerations which now weigh against retention of a public house. Firstly, it is significant that the public house is currently vacant. Secondly, Members will recall that at the time of the previous application, there was a call for it to be added to the Register of Community Assets. This was successful, but no appropriate community interest came forward to take on the public house use and thus the premises were sold. Thirdly, the new owner is the Co-op and thus there is now greater certainty as to the nature of the proposed occupier and thus the prospect of the proposal actually being delivered. The Agreement adds weight to this. Fourthly, evidence has been submitted with the current application pointing to the unviability of retaining or re-introducing the former use.

In respect of this particular issue in dismissing the recent appeal, the Inspector gave significant weight to the facts that the public house was the last one in Dordon and that it had a range of community interests in its retention. It is considered that the balance here has materially changed since that decision. This is because of the lack of an expression by a community group in the premises; its subsequent sale to a new owner and it remaining vacant and falling into disrepair.

Development Plan policy – NW20 of the Core Strategy – says that the loss of an existing service which contributes to the functioning of a settlement will only be supported where it is replaced or it is proven that its loss would harm the vitality of the settlement. The second criterion is relevant here. The service is already lost and has been for a couple of years. There is little evidence submitted by those making representations to show that the vitality of Dordon has been harmed. Based on the matters raised above, it is now considered that the planning balance has changed and that the proposal would accord with NW20.

## The Proposed Development

The proposed new building will be sited on the southern part of the site, adjacent to the existing library building. The part two-storey, part single-storey building will have a maximum height of 7.6 metres to the roof ridge and the single storey element will be 6.6 metres high to the roof ridge. The roof is hipped and adjoins the roof of the main store. The rear of the A1/A2 unit will contain the air conditioning units. The rear yard area will contain a side 2.1 metre wall and 1.8 metre wall to Roman Way.

The position of the new building maintains the existing form of the built development on this site at the south end, whilst developing closer to the junction of Whitehouse Road and Roman Way, but retaining the open character of the northern part of the site which is most overlooked by existing residential properties. The building is designed not to dominate the local area which itself contains a range of building designs.

The new building provides a frontage to Roman Way which steps back and down in height to meet the adjoining library building, and which wraps around the corner with Whitehouse Road and continues for a short distance providing a strong elevation to the junction. Materials will be a mix of facing brick, grey render and grey roof tiles, and they can be conditioned so to reflect the materials used in existing buildings nearby to retain the local character.

The site is within a predominantly residential area and is close to a library and school. Acoustic boundary treatments are included. The car park/vehicle manoeuvring area will be within the northern part of the site and a single vehicle access will be provided onto Whitehouse Road. This will provide 20 parking spaces and manoeuvring/turning space for an articulated delivery vehicle.

The entrances to the retail units will be from within the car park, with separate entrances for both units. There will be no access for vehicles or pedestrians from Roman Way.

The separation distance to the side of the nearest dwelling of 251 Long Street on the corner of Roman Way and Long Street is 15 metres. The distance to the properties on Whitehouse Road opposite is around 24 metres and to 214 Long Street, the distance is 25 metres.

The existing site was used by a public house with similar opening hours in the evening. A neighbour has expressed concern over the closing hours of 2300 hours, however this is common for such convenience stores in residential areas as well as when the public house was in operation. The land was also used for car parking at that time too, It is noteworthy that the Environmental Health Officer does not object; that the possibility of nuisance can be mitigated through the acoustic fence, delivery times being conditioned particularly in the early morning (unlike the public house) and that details are submitted of a barrier so as to prevent access into the site when the shop is closed. Additionally, in any approval, conditions can be set out to control openings, overlooking, amenity and privacy. In general the siting is considered to be acceptable and on balance the proposal would not cause a material adverse amenity impact on this neighbourhood beyond what might reasonably be expected.

Landscaping will be provided along the frontages to Roman Way and Whitehouse Road and along the western boundary to provide a buffer to adjacent residential property. In all of these circumstances it is considered that the proposed development can be supported.

Additional information was provided by the applicant in response to the Highway Authority's original concerns. This took the form of a survey of traffic movements and parking issues at a similarly sized store. Based on this, the proposed development could result in less than ten extra vehicle movements during the afternoon peak on the local highway network. This is considered not be a severe impact by the Highway Authority. In respect of car parking, the survey showed that overall throughout the day, capacity was not exceeded. The surveyed site too was next to a school and there were occasions when capacity was exceeded at school pick-up times. This is likely to occur here too, but this is not considered to be so severe an issue by the Highway Authority so as to result in an objection. As a consequence the County Council has no objection in principle. A number of minor changes have also been made as a result of the County's observations - the position of the vehicle access has been moved so as to be further away from the raised speed table on Whitehouse Road; a proposed ATM cash point has been removed and three additional car parking spaces have been provided. Overall therefore it is not considered that a highway refusal could be sustained.

The representations received refer to the recent appeal decision. There are differences with this current proposal. Firstly, there is now no A5 takeaway use, thus reducing the likelihood of increased traffic generation and matters to do with odour control. Secondly there is no first floor residential accommodation, again reducing the demand on parking space. Thirdly, there is a Legal Agreement identifying the occupier of the store and fourthly the balance in respect of the community asset issue has changed. It is in all of these circumstances that it can be advised that the current application is materially different to the case dealt with at appeal, and thus that the reasons for that decision carry limited weight in this current case.

It is therefore considered that the current application can be supported.

### **c) New Street**

#### **Introduction**

Clearly the fact that planning permission has recently been granted for the residential redevelopment of the rear of this site carries substantial weight here. There has been no change in planning policy to warrant a different approach in regard of this current application and thus the use is entirely supportable.

That planning permission however did retain the Co-op on the New Street frontage and the issues surrounding its proposed loss in this new application will need to be looked at.

However firstly, the proposed residential development will be assessed.

#### **The Proposed Houses**

As with the previous proposals, the Council's Environmental Health Officer notes the proximity to two landfills which are known to pose a potential risk through gas emissions. Monitoring in the vicinity does demonstrate elevated levels of carbon dioxide such that there may be a requirement to provide special protection measures in the foundations. As such a full site investigation is considered necessary, with remediation and/or mitigation to follow if found to be necessary. A condition can secure this so to ensure the living conditions for occupiers of the development are acceptable.

There is no concern as to the internal living and external amenity standards for each of the proposed dwellings. There is a significant distance between habitable windows on the proposed houses to the terraces along New Street and Long Street – some 40 metres or so each way. This is acceptable. There are three existing isolated dwellings to the north of the site, at the rear of the Browns Lane shops and flats. There would be no amenity impacts on the two most recently completed dwellings here due to there being no habitable room windows facing north from the proposed dwellings and sufficient separation distance to avoid shading. The impact on the third more established dwelling is greater because it is a bungalow; it is only two metres from the proposed plot one. However there are several factors that result in there being no cause for objection – the properties are aligned with matching building lines; there are no side windows in plot one, it would have a hipped roof and it lies at a lower ground level.

In terms of overall layout and design then the current proposals align with the already permitted details. In terms of the scale, height and detailing then these are considered to draw on features exhibited by the existing terraced dwellings in the vicinity, but with contemporary influences.

Parking provision meets Development Plan guidance and provision is also to be made for safeguarded car parking space for number 72 New Street and the layout retains rear access provision for numbers 74 to 80. Landscaping and boundary treatments are all appropriate.

The current proposal does not include new dwellings on the New Street frontage in lieu of the present Co-op store. There would thus be much wider gap in the New Street frontage. This is not considered to be material in terms of harmful impact on the street scene. There are no local heritage assets here and neither is there any design code or guidance. There is no Neighbourhood Plan adopted for Dordon. The overall character and appearance of New Street will not be materially affected given the scale of the proposal when seen in the much wider street scene. There are also some highway benefits arising from this wider gap and these will be referred to below.

In all of these circumstances and particularly bearing in mind the previous permission and the fact that the proposal is for an equivalent number of dwellings, there is no objection either to the principle here or to the layout, design and appearance of the proposal.

## **Highway Matters**

Members will be aware and understand the existing situation on New Street – a narrow road; on street parking and it being a bus route. The lack of a delivery and parking space for the existing Co-op adds to this issue. However, Members will be aware that this application should not be used to address existing shortcomings. The focus of attention is thus on whether any impacts arising from the proposal can be satisfactorily mitigated without causing unacceptable harm or worsening the existing situation.

The Highway Authority does not raise an issue with this proposal's impact on the capacity of New Street. In overall terms this is not surprising, given that this proposal is for an equivalent amount of housing to that previously permitted and that it also leads to the loss of the Co-op store. In other words it can be seen as leading to an improvement or at worst having a neutral impact. The central highway issue therefore is the adequacy of the new junction.

The design of this new access has been revised in order to improve its use – in particular the original plans submitted with the application included frontage dwellings on the site of the Co-op store. These have now been removed in order to improve visibility and so as to ensure the widest possible geometry for the access. Indeed it is designed to accommodate the largest anticipated HGV to access the site on a regular basis – that is a refuse wagon. Fire vehicles and other delivery vehicles are shorter than the largest refuse wagon used by North Warwickshire. Hence if it were to be assumed that New Street were kept clear of parked vehicles, the swept path of the largest HGV would be comfortably accommodated within the carriageway. The Highway Authority's concern is that in reality, this is not the case, with cars parked opposite the proposed access and to both sides of it – something which already occurs around the present access. This prevents HGVs making the turn in one manoeuvre. For it to be achieved from the centre of the carriageway there would have to be no parked vehicles for roughly two car lengths north and south of the bell-mouth. Officers have looked at whether double yellow lines could be provided. The Highway Authority advises that there is not a significant safety issue which demands them, and any formal application to achieve such restrictions would be open to consultation and without any certainty of implementation. In this light, a planning condition is not recommended.

Consideration therefore falls back to the likelihood of there being a “severe” adverse highway impact, as this is the test set out by the NPPF. There is also the question of whether it is in fact reasonable to refuse on the basis of a matter that is going to be outside of the applicant's control.

Observations conclude that during the day, parking is transient immediately outside the Co-op. However there are still vehicles parked outside the dwellings, although passing places are often where residents are at work. During peak times there are less passing places to a point where most evenings/early mornings all parking opportunities are exhausted. Refuse collections occur anytime from between 0700 hours to mid-afternoon, and just once or twice a week (depending on the bin collected). All of this suggests that there may well not be a “severe” issue with parking preventing the HGV manoeuvres, with a reasonable chance that collection will occur outside of peak hours and at a time when sufficient space exists either side of the access.

There remains a degree of possible conflict if collections do occur during peak hours.

In such circumstances a refuse wagon may not be able to access the site and thus remain stationary in New Street. The alternative solution is normally to provide a bin collection point. There is sufficient space to do this at the rear of number 72.

However this position means that residents would have to move bins up to twice the recommended distance of 25 metres. Moreover for elderly occupants, the existing practice of “from the door” collections would still continue. Further design amendments are highly unlikely to resolve this issue. There is therefore going to have to be an assessment of the overall situation. In reaching a balance, regard has to be had the above discussion about the likelihood of there actually being a “severe” problem, as well as residents' desire to have their refuse collected, over the inconvenience of having to move it further than normal, to the collection point. The proposal currently has provision both to enable a refuse vehicle to enter the site and return in a forward direction, as well as for a general collection point.

In order to assist in this assessment, the comments of the Council's Streetscape officer were sought on the operational issues for his service as described above. As reported above he has no objection.

Additionally, there is a material benefit under this proposal. As noted, presently the Co-op delivery vehicles must park on New Street and this causes an obstruction. If this application is approved, then that situation would not continue. It is also to be noted that refuse collections will be less frequent than HGV deliveries to the store.

In light of all of the above matters it is considered that the unresolved matter of the County Council's objection is outweighed by other considerations – namely the low likelihood of there being a “severe” adverse impact; the views of the refuse service provider and the benefit of removing the Co-op delivery vehicles.

#### **d) The Linkage between the Sites**

As explained, each of these applications has to be considered on their own merits and that has been undertaken above, with each being supported. However because of the link between the two proposals it is necessary to see whether there are any implications – beneficial or harmful – as a consequence and whether these would alter the support already expressed for each proposal.

The main concerns have always been to ensure that once the New Street store is closed, a new replacement store is opened as soon as possible; secondly that if that store is lost then the replacement is actually delivered in a reasonable time period and thirdly, that that replacement is “reasonable” in terms of location and the scope of its sales.

The signed Unilateral Agreement deals with the first and second of these. It sets out that within two calendar months of the new store being open for business, the existing store will be closed and that within twelve months of the planning permission for the new houses, or the implementation of the permission for the new store, whichever date is the later, then the existing store will be demolished.

Overall therefore it is considered that the Unilateral Undertaking is a material planning consideration of significant weight in the determination of these applications as it has beneficial consequences which address some of the previous concerns.

The third is a matter of judgement. The transfer between the two sites will offer the same level of service as a minimum and thus there is no material change in the uses – they are still retail convenience stores, with the new one likely to provide a wider range of goods. The dis-benefit however is that the distance between the two sites is about a kilometre and the route between the two is not flat. The survey submitted indicates that these facts are very likely to be behind the reluctance of some existing customers to transfer their custom to the new store. Both sites are linked by the No.65 bus route, with stops on Browns Lane and Whitehouse Road. This would add weight to the support of the proposals. The Cuckoos Rest site is proposed to have a new bus shelter on Whitehouse Road.

On the other hand the new store would attract new customers from a different part of Dordon and be of benefit to others in the community. It is considered that the proposals should be assessed as a whole in respect of the settlement of Dordon as a whole. In this regard given the respective support for each application it is suggested that the overall impact will be beneficial, or at worst neutral.

## Recommendations

That planning permissions be **GRANTED** subject to the conditions as outlined below.

### A) Cuckoos Rest, Dordon – PAP/2017/0660

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 plans numbered 17/78 -11 and 00 received by the Local Planning Authority on 5 March 2018 and the plan numbered 17/78 14c received by the Local Planning Authority on 12 March.

#### REASON

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

3. No development shall be commenced before details of the facing bricks, roofing tiles, window and door frame colours and materials and surfacing materials, along the acoustic fence details and service area wall 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. The demolition works shall only take place between the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

#### REASON

In the interests of the amenities of the area.

5. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

#### REASON

In the interests of the amenities of the area.

## **Pre commencement**

6. The retail store shall not open to the public until a Delivery Management Plan has been submitted and agreed in writing by the Local Planning Authority. The approved plan shall be maintained at all times.

### **REASON**

In the interests of the amenities of the area.

7. No development shall commence until details of air conditioning/refrigeration units have been provide and agreed including noise, siting, design and technical details, by the Local Planning Authority. The approved details shall be retained at all times.

### **REASON**

In the interests of the amenities of the area.

8. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i. Parking, turning and loading/unloading of construction/demolition vehicles, and vehicles of contractors and visitors; and
- iii. Details to prevent mud and debris on the public highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

### **REASON**

In the interests of the amenities of the area and safety on the public highway.

9. No development shall commence until a Dust management plan is submitted for approval in line with the IAQM guidance for construction sites and approved in writing by the Local Planning Authority.

### **REASON**

In the interests of the amenities of the area.

## **Pre Occupation**

10. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

### **REASON**

In the interests of the amenities of the area.

11. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

12. The retail store shall not be open to the general public until details of all external lighting, CCTV cameras and security lights surrounding the store and within the parking areas have first been submitted to and approved in writing by the Local Planning Authority. The details required are: hours of operation, location, height, light spillage and luminance of lighting sources. Any security lights shall be angled downwards so not to impact upon neighbouring properties. The approved details shall be installed before the building is open for retail sales.

REASON

In the interests of the amenities of the area.

13. There shall be no occupation of the stores on the site until the acoustic fence and service area yard wall have been constructed in full, and shall be retained as such at all times, as shown on the drawing 9420.13.

REASON

In the interests of the amenities of the area.

14. No development shall commence until details of any air conditioning and refrigeration units to be installed, including their noise, siting, design and technical details have first been submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall be retained at all times.

REASON

To protect the amenities of nearby residential property.

15. The stores on the site shall not be open to the general public until full details of the bus shelter have been provided and approved by the Local Planning Authority. The bus shelter shall be installed, as shown on the drawing 9420.13 and it shall be retained at all times.

REASON

In the interests of the amenities of the area and safety on the public highway.

16. The development shall not be occupied until the vehicular access, manoeuvring and parking facilities have been provided, surfaced in a bound material for their whole length, and marked out, in general accordance with drawing number 17/78 11.

REASON

In the interests of the amenities of the area and safety on the public highway.

17. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

18. The development shall not be occupied until the existing vehicular access to the site has been remodelled in general accordance with drawing number 17/78 11.

REASON

In the interests of the amenities of the area and safety on the public highway.

**Other conditions:**

19. The parking spaces hereby approved shall not be used for any purpose other than the parking of cars.

REASON

To ensure adequate on-site parking provision for the approved retail store and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

20. The retail building hereby approved shall not be used for any purpose, including any other purpose in Class A1 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.

REASON

To prevent unauthorised use of the property.

21. There shall be no opening of the large A1 Convenience retail store other than between 07:00 hours and 22:00 hours Monday to Sundays inclusive.

REASON

To prevent disturbance to the occupiers of nearby properties.

22. The scheme referred to in Condition No 10 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

In the interests of the amenities of the area.

23. The large convenience store shall only be Use Class A1 (shops) and the smaller unit shall be A1/A2 (use classes Shops or Financial and professional services hereby approved shall not be used for any purpose 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.

**REASON**

To prevent unauthorised use of the property.

24. The Acoustic fence as shown on drawing number 9420.13 shall be installed before the opening of the commercial uses on the site and retained at all times, unless agreed in writing by the Local Planning Authority.

**REASON**

To protect the amenities of nearby residential property.

25. The smaller A1/A3 use unit shall not open for business whatsoever until the opening hours have been submitted to an approved in writing by the Local Planning Authority.

**OR**

There shall be no opening of the smaller A1/A3 unit other than between 09:00 hours and 18:00 hours Monday to Sundays inclusive.

**REASON**

To prevent disturbance to the occupiers of nearby properties.

**Notes**

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](http://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 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](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 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](http://www.gov.uk/government/organisations/the-coal-authority)

3. 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.

4. 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.

5. 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>

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

7. The Police Design officer has recommended the following:

- Roller shutters/grilles protecting pedestrian access doors shall be tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications.
- Roller shutters/grilles protecting windows shall be tested and certified to LPS1175 security rating 1 (minimum) (Level 2) and installed in accordance with the manufacturers specifications.
- All external and emergency egress doorsets not protected by a roller shutter or grille shall be tested and certificated to LPS 1175 Security Rating 2 (Minimum).
- Ground floor windows and those easily accessible above ground floor, shall be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 1.
- I would recommend appropriate CCTV coverage for the whole site both internally and externally (including the ATM if installed).
- I would advise PAS 68/69 be installed along the front of the store, this will ensure the store does not suffer from ram raids.

- I recommend no street furniture be installed close to the store as these are used as unofficial seating by young people.
- I would recommend that the unit alarm system be extended into the building roof space as this has been a point of entry on a number of convenience store burglaries.
- Within Warwickshire and nationally premises that have ATM's have been targeted as the applicant will know and having a stand-alone ATM will increase the problem as they are easier to attack. I would recommend that the applicant does not have an ATM fitted.

8. Condition numbers 11, 12 and 14 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

9. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

10. With regards to condition 10 the replacement, revision and removal of the existing CCTV and security devices, and any new replacements devices is an important consideration given the surrounding residential uses. In particular the CCTV pole and security light sited at parking space 23 and 24 on drawing 11 (proposed site layout), will need to be removed given the customer parking layout.

11. Severn Trent have set out the following: Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our New Connections Team (Tel: 0800 707 6600).

12. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email below.

Tel: 024 7771 6843; email: [Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)

13. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

14. The development meets compliance with Approved Document B, Volume 2, Section 85 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)

Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5. 18, Access for Emergency Vehicles.

For Consideration

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler Installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

For Consideration

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access. Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact the Fire service at 01926 423231, or email: [Firesafety@warwickshire.gov.uk](mailto:Firesafety@warwickshire.gov.uk).

## **B) New Street, Dordon- PAP/2017/0659**

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 plans numbered 9448.05 and 9448.04 received by the Local Planning Authority on 11 December 2017; and to the plans numbered DWG-02 (due to be updated); 9448-11; 9448-03 REV H; and 9448.10 received by the Local Planning Authority on 22 June 2018.

REASON

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

### **Pre-Commencement:**

3. No development shall be commenced before details of the facing bricks, roofing tiles, external 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 commence until details of a landscaping scheme shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges.

#### **REASON**

In the interests of the amenities of the area.

5. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan (CTMP) shall include all construction traffic including concrete pours and abnormal loads and shall include proposals for the:

- Routing of construction traffic (including swept path details where appropriate),
- Scheduling and timing of movements including nature and number of vehicles
- The management of junctions to and crossings of the public highway and other public rights of way,
- Temporary warning signs.
- Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).
- The development hereby permitted shall not commence or continue unless measures are in place to prevent or 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.
- Storage of materials.

The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved.

#### **REASON**

To protect the amenities of nearby residential property.

6. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. No unit shall be occupied until the areas have been laid out in accordance with the approved details and such

areas shall be permanently retained for the parking and manoeuvring of vehicles, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

#### REASON

In the interests of the amenities of the area and safety on the public highway.

7. The development hereby permitted shall not be commenced 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 development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

#### REASON

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

8. No development shall commence until a dust management plan would need to be submitted and approved in line with the IAQM guidance, has been submitted to and approved by the Local Planning Authority. The findings/conclusions shall be carried out in full.

#### REASON

In the interests of the amenities of the area.

9. No development shall commence until the existing proposed datum levels have been provided. For the avoidance of doubt the proposed datum levels relates to the proposed dwellings and parking areas.

#### REASON

In the interests of the amenities of the area.

10. No development shall take place until a scheme for the provision of three - two bedroom houses on the site, set out as affordable housing as part of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 to the National Planning Policy Framework (or any future guidance that replaces it). The scheme shall include:

- the type, tenure and location on the site of the affordable housing units;
- the timing of their construction, and their phasing in relation to the occupancy of the market housing;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

## REASON

To ensure that the development provides housing for social needs.

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

## REASON

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

12. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, New Street, Dordon, B78 1TQ\_JMS Engineers\_CO18/024/01\_February 2018 and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 5 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.

## REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

13. 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 Local Planning Authority within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures.

**Other Conditions:**

14. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site.

REASON

In the interests of the amenities of the area.

15. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

16. Any side facing windows that serve WC's or bathrooms shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

17. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 4 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 the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased 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. Access for vehicles to the site from New Street shall not be made other than at the position identified on the approved drawing, numbers 9448.10 and 9448.03 REV H, and shall not be used for domestic purposes unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. No gates shall be hung within the vehicular access to the site.

REASON

In the interests of the amenities of the area and safety on the public highway.

19. The development accessed from New Street shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 20 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of the amenities of the area and safety on the public highway.

20. The development accessed from New Street shall not be occupied until pedestrian visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2.4 metres, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway

REASON

In the interests of the amenities of the area and safety on the public highway.

21. The access to the site for vehicles 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.

REASON

In the interests of the amenities of the area and safety on the public highway.

22. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

23. The rear parking access to New Street properties including No. 72 to 80 shall be retained at all times as shown on the approved external works layout plan.

#### REASON

In the interests of the amenities of the area and safety on the public highway.

24. No development shall take place on site until the existing retail store and any other buildings shown to be demolished on the approved plan has been so demolished and all resultant materials permanently removed from the site.

#### REASON

25. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

#### REASON

In the interests of the amenities of the area.

26. The parking area hereby approved shall not be used for any purpose other than the parking of cars.

#### REASON

To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

### **Notes**

1. 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.

2. 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>

3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, by suggesting amendments to improve the quality of the proposal negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

6. Condition numbers 6, 18, 19, 20 and 21 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, 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 will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

7. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

8. 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](http://www.gov.uk/government/organisations/the-coal-authority)

9. The Police have made the following suggestions to be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour. Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self-closing spring, and a snap shut lock, that needs a key to release.

All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.

Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2013

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

10. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

11. The development meets compliance with Approved Document B, Volume 2, Section 85 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc.. regarding this can be found at [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)

Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5. 18, Access for Emergency Vehicles.

For Consideration

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

For Consideration

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access. Should you require clarification of any of the foregoing or any further Fire Safety advice please do not hesitate to contact the Fire service at 01926 423231, or email: [firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk).

12. Warwickshire County Council have set out they request a contribution of £75 per dwelling to support the provision of a Sustainable Travel Welcome Pack. Contact details - Infrastructure Delivery Team, Transport and Economy, Warwickshire County Council, PO Box 43, Barrack Street Warwick, CV34 4SX. email: [infrastructureteam@warwickshire.gov.uk](mailto:infrastructureteam@warwickshire.gov.uk)

13. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email below.

Tel: 024 7771 6843; Email: [Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)

14. 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](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588

## A) Cuckoos Rest

### BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0660

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/12/17
2	NWBC Tree officer	Consultation response	2/1/18
3	Police	Consultation response	3/1/18
4	Police	Consultation response	3/1/18
5	WCC fire	Consultation response	10/1/18
6	Councillor Morson	Consultation response	11/1/18
7	NWBC Environmental Health	Consultation response	16/1/18
8	WCC Highways	Consultation response	18/1/18
9	Severn Trent	Consultation response	31/1/18
10	NWBC Environmental Health	Consultation response	21/2/18
11	NWBC Environmental Health	Consultation response	1/3/18
12	WCC Highways	Consultation response	9/3/18
13	Site notice and press notice	Consultation	
14	Fisher Dewes Solicitors	Representation	02/05/18
15	Case officer and agent	Exchange of emails	21/12/17
16	Case officer	Email to Dordon Councillors	22/12/17
17	Case officer and agent	Exchange of emails	3/1/18
18	Case officer, Solicitor and agent solicitor	Draft S106	15/1/18
19	Case officer	File note of meeting with agent	27/02/18
20	Councillor Chambers	Application comments	28/03/18
21	Case officer and agent	Exchange of emails	29/03/18
22	Case officer	Email to agent	20/04/18
23	Case officer	Email to agent	21/12/18
24	Case officer and Councillor Morson	Exchange of emails	24/12 and 30/12/17
25	Case officer	Email to agent	22/12/18
26	Case officer and neighbour	Email exchange	02 and 03/01/18
27	Case officer and agent	Exchange of emails	03/01/18
28	Case officer and agent	Exchange of emails	09/01 to 18/01/18

29	Case officer and agent	Exchange of emails	05/02 to 13/02/18
30	Case officer and agent	Exchange of emails	25/02 to 16/03/18
31	Case officer	Email to WCC highways	16/03/18
32	Case officer and neighbour	Exchange of emails	20/03/18
33	Case officer	Email to neighbour	20/03/18
34	Case officer and agent	Exchange of emails	21/03 to 29/03/18
35	Case officer and agent	Exchange of emails	10/04 to 16/04/18
36	Case officer and NWBC Solicitor	Exchange of emails	10 and 11/05/18
37	Case officer and agent	Exchange of emails	19/04 to 17/05/18
38	Resident	Representation	22/12/17
39	Resident	Representation	2/1/18
40	Resident	Representation	2/1/18
41	Resident	Representation	2/1/18
42	Resident	Representation	8/1/18
43	Resident	Representation	9/1/18
44	Resident	Representation	8/1/18
45	Resident	Representation	10/1/18
46	Resident	Representation	10/1/18
47	Resident	Representation	10/1/18
48	Resident	Representation	10/1/18
49	Resident	Representation	11/1/18
50	Resident	Representation	12/1/18
51	Resident	Representation	9/1/18
52	Resident	Representation	12/1/18
53	Resident	Representation	12/1/18
54	Resident	Representation	1/2/18
55	Resident	Representation	1/2/18
56	Resident	Representation	26/2/18
57	Resident	Representation	28/2/18
58	Resident	Representation	5/3/18
59	Resident	Representation	7/3/18
60	Resident	Representation	9/3/18
61	WCC Highways	Consultation response	21/6/18
62	Case officer	Email to Forward Plans	12/6/18

63	Case officer / WCC Highways and Agent	Exchange of emails	18/6/18 – 21/6/18
64	WCC highways	Consultation response	21/6/18
65	Case officer and agent	Exchange of emails	22/6/18 – 29/6/18
66	NWBC Solicitor and Case officer	Exchange of emails	13/7/18
67	Case officer and agent	Exchange of emails	18/7/18

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

## **B) New Street, Dordon**

### **BACKGROUND PAPERS**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0659

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/12/17
2	WCC Infrastructure	Consultation response	21/12/17
3	WCC FRM	Consultation response	22/12/17
4	Police	Consultation response	3/1/18
5	NWBC Streetscape	Consultation response	8/1/18
6	NWBC Env Health	Consultation response	9/1/18
7	NWBC Housing	Consultation response	9/1/18
8	WCC Fire	Consultation response	10/1/18
9	WCC Highways	Consultation response	11/1/18
10	Severn Trent	Consultation response	31/1/18
11	WCC Infrastructure	Consultation response	19/2/18
12	NWBC Streetscape	Consultation response	28/2/18
13	WCC FRM	Consultation response	1/3/18
14	WCC Highways	Consultation response	10/4/18
15	WCC FRM	Consultation response	9/5/18
16	Site notice and press notice	Consultation	
17	Fisher Dewes Solicitors	Representation	02/05/18
18	Resident	Representation	02/01/18
19	Resident	Representation	09/01/18
20	Resident	Representation	20/03/18
21	Case officer and agent	Exchange of emails	21/12/17
22	Case officer	Email to Dordon Councillors	22/12/17
23	Case officer and agent	Exchange of emails	3/1/18

24	Case officer, Solicitor and agent solicitor	Draft S106	15/1/18
25	Case officer	File note of meeting with agent	27/02/18
26	Councillor Chambers	Application comments	28/03/18
27	Case officer and agent	Exchange of emails	29/03/18
28	Case officer	Email to agent	20/04/18
29	Case officer	Email to agent	21/12/18
30	Case officer and Councillor Morson	Exchange of emails	24/12 and 30/12/17
31	Case officer	Email to agent	22/12/18
32	Case officer and neighbour	Email exchange	02 and 03/01/18
33	Case officer and agent	Exchange of emails	03/01/18
34	Case officer and agent	Exchange of emails	09/01 to 18/01/18
35	Case officer and NWBC Housing officer	Exchange of emails	06/02/18
35	Case officer and agent	Exchange of emails	05/02 to 13/02/18
36	Case officer and agent	Exchange of emails	25/02 to 16/03/18
37	Case officer	Email to WCC highways	16/03/18
38	Case officer and neighbour	Exchange of emails	20/03/18
39	Case officer	Email to neighbour	20/03/18
40	Case officer and agent	Exchange of emails	21/03 to 29/03/18
41	Case officer and agent	Exchange of emails	10/04 to 16/04/18
42	Case officer and NWBC Solicitor	Exchange of emails	10 and 11/05/18
43	Case officer and agent	Exchange of emails	19/04 to 17/05/18
44	Case officer	Email to neighbour	20/03/18
45	WCC highways	Consultation response	4/6/18
46	Case officer and agent	Exchange of emails	5/6/18 to 25/6/18
47	NWBC Env Health	Consultation response	4/7/18
48	WCC FRM	Consultation response	10/7/18
49	WCC Highways	Consultation response	12/7/18
50	NWBC Director of Streetscape and Case officer	Exchange of emails	12/7/18 and 17/7/18
51	Case officer and agent	Exchange of emails	3/7/18 to 17/7/18

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

# Appendix A – Plans for Cuckoos Rest



## Accommodation.

Unit A - 424 sq.m. (4563 sq.ft.)  
Convenience Store (Use Class A1).

Unit B - 108 sq.m. (1162 sq.ft.)  
Retail / Professional  
Services Unit (Use Class A1 / A2).

REV.A. BUILDING POSITION ADJUSTED. 24/11/17.  
REV.B. USE CLASS CHANGED TO A1/A2 UNIT. 26/02/18

**BAILEY DESIGN**  
ARCHITECTURAL PLANNING & DEVELOPMENT

43a MITCHELLS COURT LOWER GUNCS  
STAFFORDSHIRE B79 7AS

PROPOSED CONVENIENCE STORE  
FORMER CUCKOOS REST P.H.,  
WHITEHOUSE ROAD, DORDON.

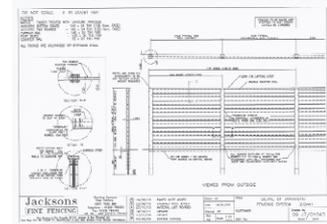
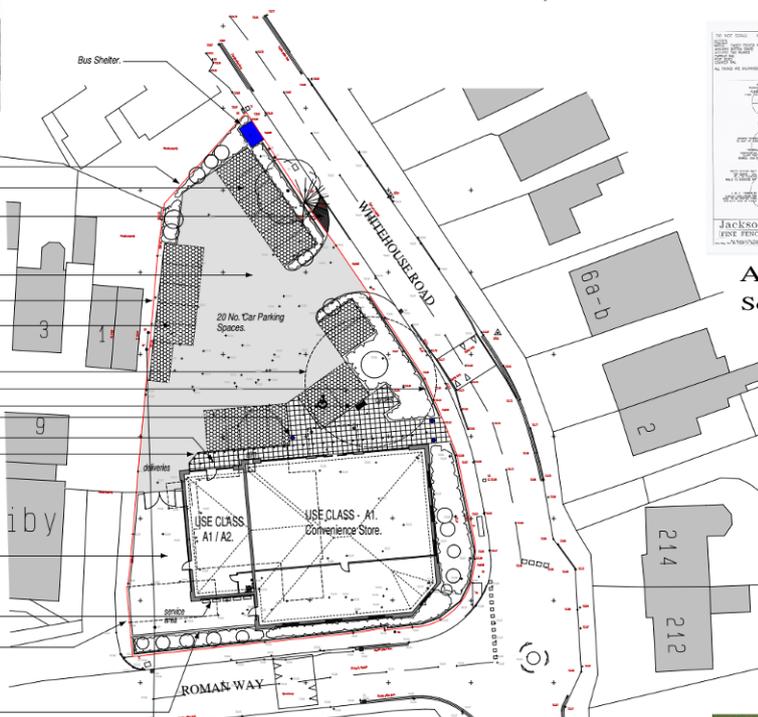
The holder is to read and verify all details and  
check that all work shall be completed  
to the satisfaction of the Council, and to report thereon  
to the Council. The holder shall be liable for all  
costs of the Council in connection with the  
execution of the works.

# TAMWORTH COOPERATIVE SOCIETY CONVENIENCE STORE, FORMER CUCKOOS REST PUBLIC HOUSE, DORDON.



**BUS SHELTER.**  
2 Bay Shelter.

- 2100mm High Acoustic Fencing
- Regular Block Paving
- Existing Footpath to be made good.
- Tarmac
- 2100mm High Acoustic Fencing
- Regular Block Paving
- Existing Tree to be Removed
- 450mm High Trip Rail
- Seating Bench
- Bins
- 600x600mm Paving
- Cast Iron Ram Road Bollards
- Concrete Service Yard
- Air Conditioning and Refrigeration Plant
- 2100mm High Brick Wall
- 1800mm High Brick Wall



**ACOUSTIC FENCING.**  
Scale n.t.s.

REVISIONS	
1	As per plan
2	As per plan
3	As per plan

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DIVISION

**BAILEY DESIGN**  
ARCHITECTURAL PLANNING & DEVELOPMENT  
43a MITCHELLS COURT LOWER GUNCS  
STAFFORDSHIRE B79 7AS  
PROPOSED CONVENIENCE STORE  
FORMER CUCKOOS REST P.H.,  
WHITEHOUSE ROAD, DORDON.  
SITE LAYOUT.

SCALE: 1:100 DATE: Oct. 17 DRAWN BY: [Name] CHECKED BY: [Name]

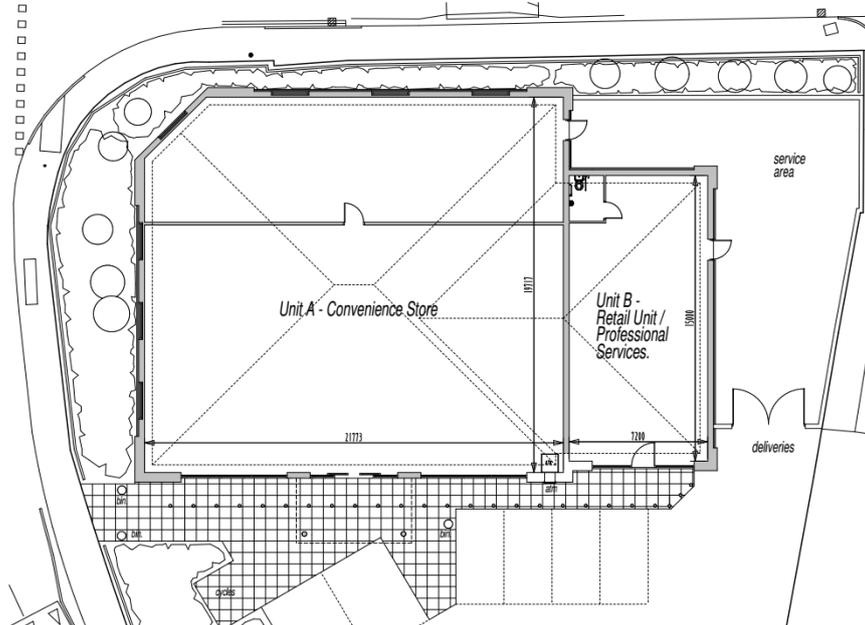


**BENCH**

**SITE LAYOUT.**  
Scale 1/200.



Elevation - facing car park. Scale 1/100.

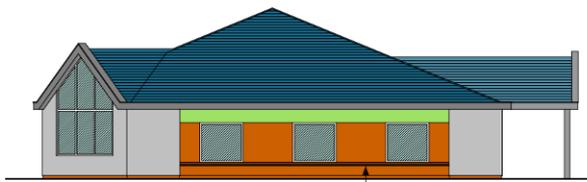


Floor Layout. Scale 1/100.

## TAMWORTH COOPERATIVE SOCIETY CONVENIENCE STORE, FORMER CUCKOOS REST PUBLIC HOUSE, DORDON.



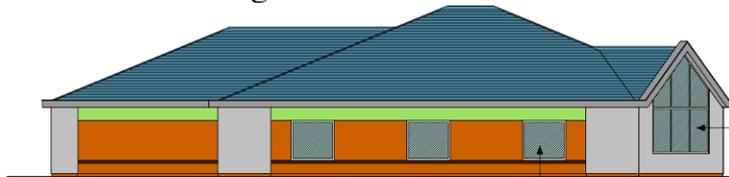
Elevation - facing car park.



Elevation - facing Whitehouse Road.



Elevation - facing Library.



Elevation - facing Roman Way.

REV A. BUILDING POSITION ADJUSTED. 26/11/17.

**BAILEY DESIGN LIMITE**  
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS

49a MITCHELLS COURT LOWER GUNGATE TAMWORTH  
STAFFORDSHIRE B79 7AS Tel 01827 5141

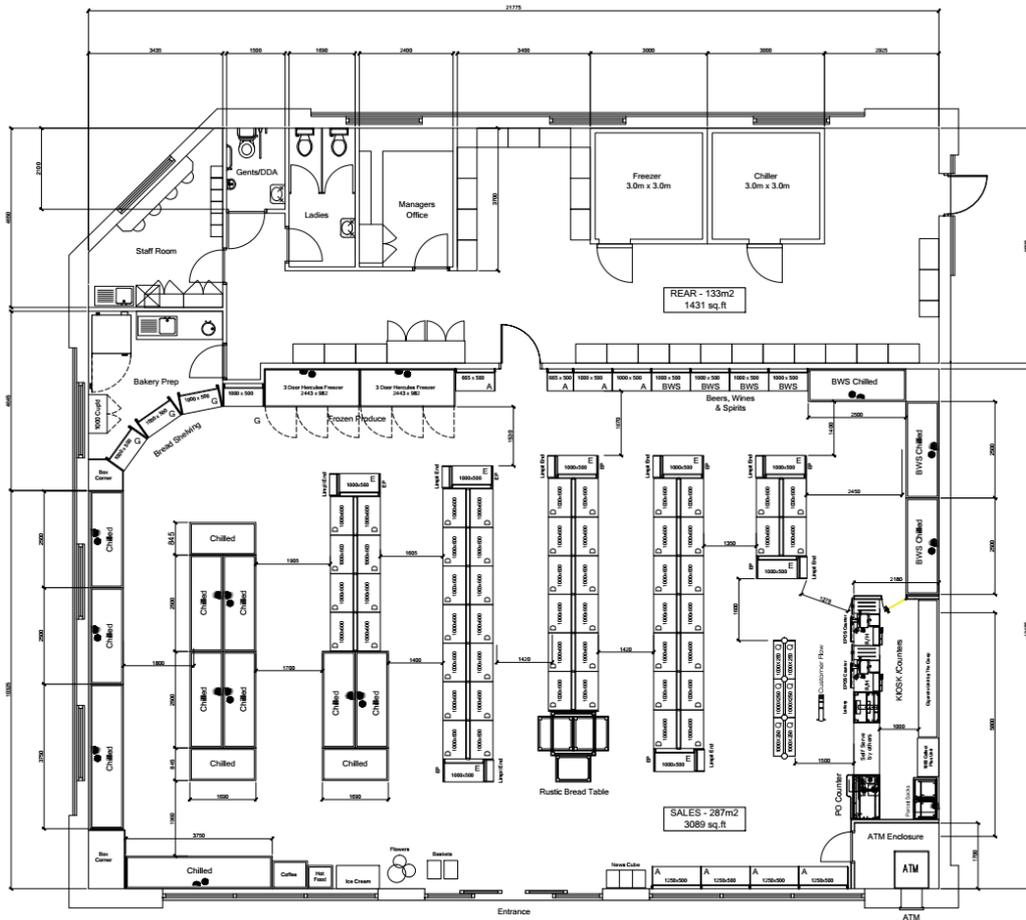
PROPOSED CONVENIENCE STORE,  
FORMER CUCKOOS REST P.H.,  
WHITEHOUSE ROAD, DORDON. B78 1QE.

ELEVATIONS.

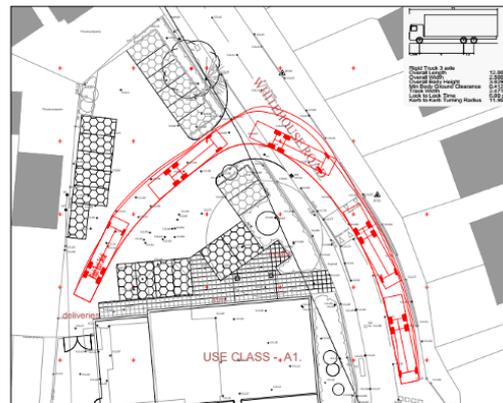
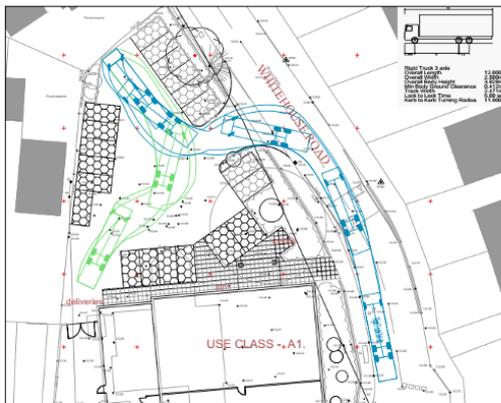
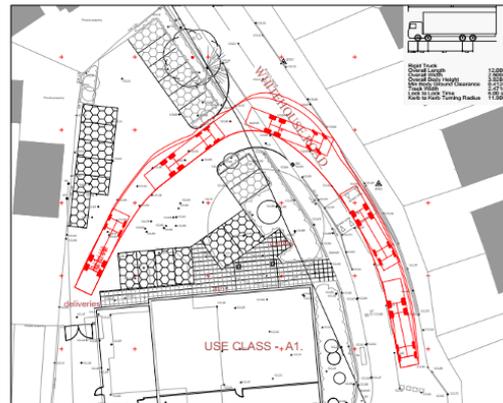
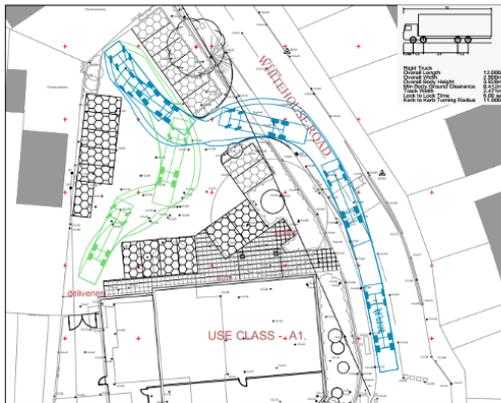
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11/12/2017  
PLANNING & DEVELOPMENT  
DIVISION

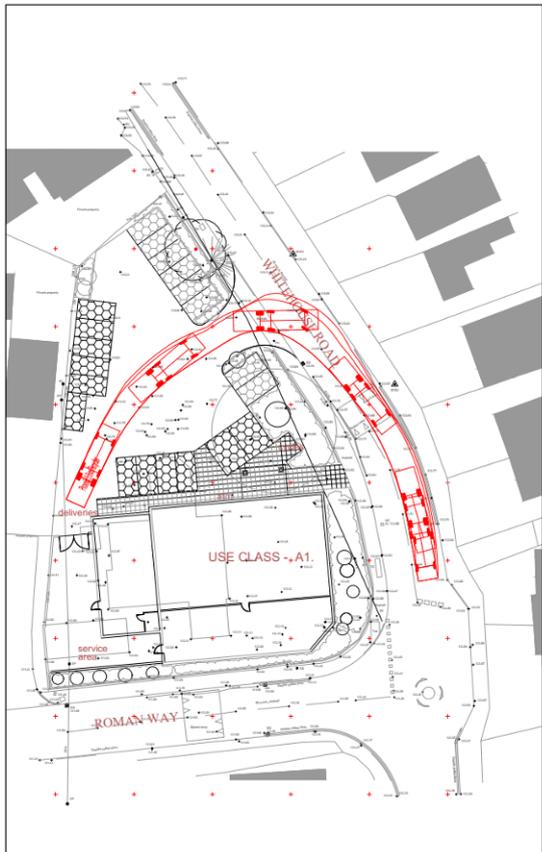
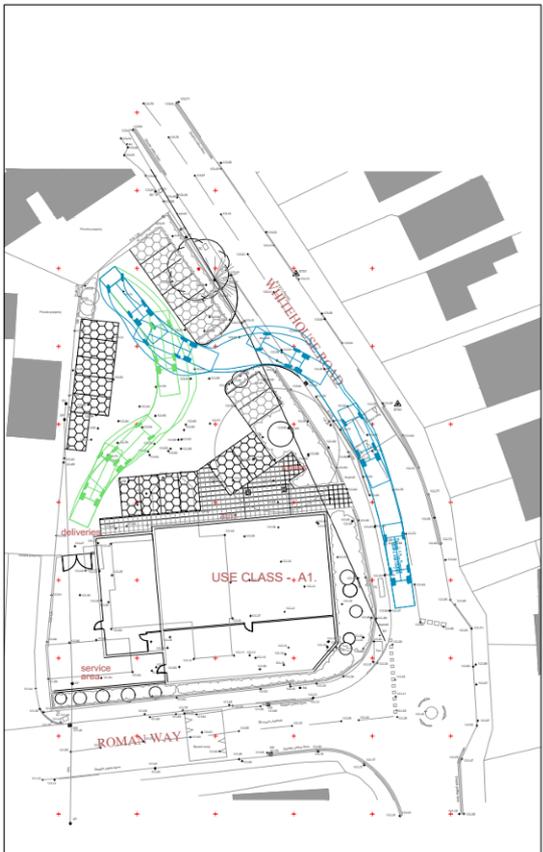
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1/100.	Nov 17.	Ed.	<b>9420.15</b>

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Proposed Layout





PLANNING & DEVELOPMENT DEVISION  
RECEIVED  
11/12/2017



Scale: 1:200  
Date: 11/12/2017  
Author: [Name]  
Check: [Name]

**General Notes**

Rev.	Issue Comment	Date

**SAVOY CONSULTING**

The Tamworth Cooperative Society  
Bailey Design

Cukoos Rest  
Dordon

Project Title  
Refuse Vehicle  
Sweep Path Analysis

Drawn Number  
DWG-04

Scale & Sheet  
1:200 @ A1

# TAMWORTH COOPERATIVE SOCIETY CONVENIENCE STORE, FORMER CUCKOOS REST PUBLIC HOUSE, DORDON.



East Elevation



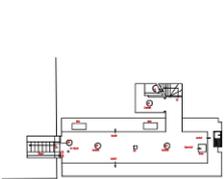
North Elevation



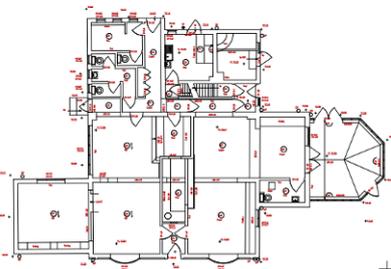
West Elevation



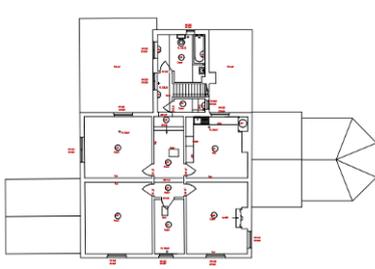
South Elevation



Existing Cellar



Existing Ground Floor



Existing First Floor

PLANNING & DEVELOPMENT DEVISION  
RECEIVED  
11/12/2017

Revisions	Date

**BAILEY DESIGN LIMITED**  
ARCHITECTURAL, PLANNING & DEVELOPMENT CONSULTANTS

PROPOSED CONVENIENCE STORE,  
FORMER CUCKOOS REST P.H.,  
WATERLOO STREET, DORDON, B7C 5JF

EXISTING PLAN & ELEVATIONS.

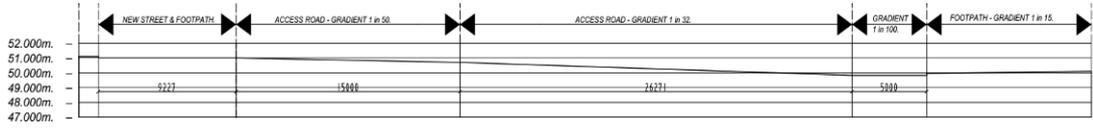
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1:100	Oct. 17			9420.11

Appendix B – Photos of site



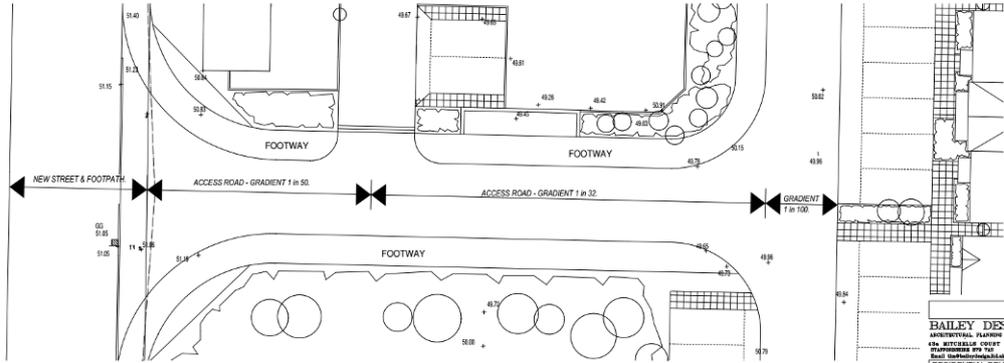






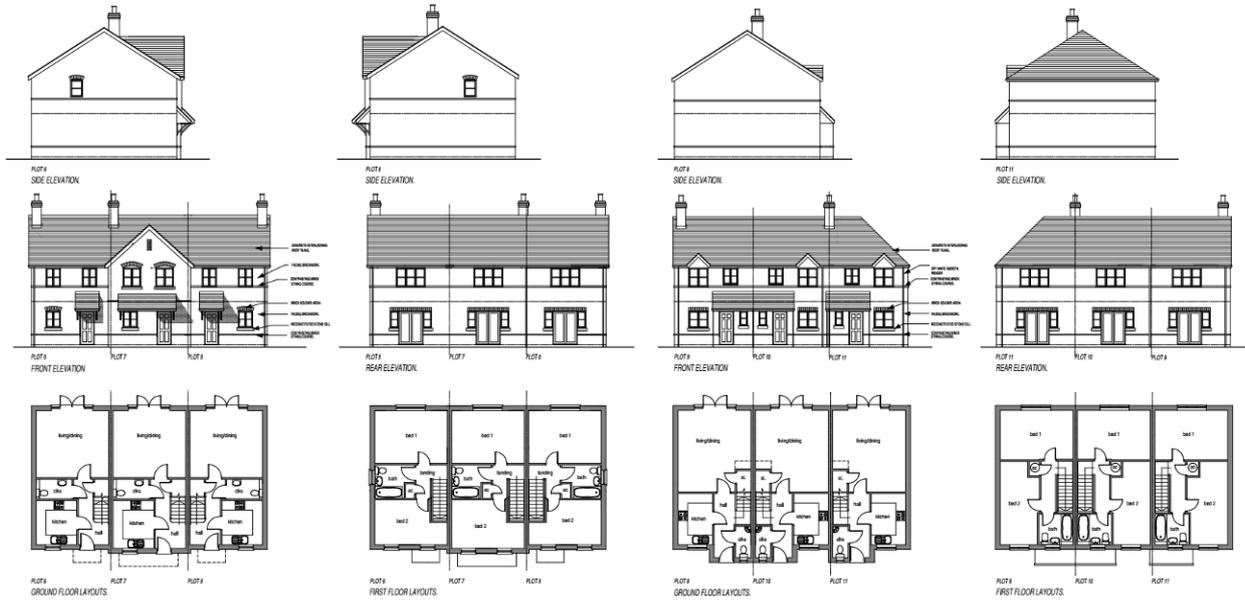
**LONGITUDINAL SECTION.**  
Scale 1/100.

NO. 1  
REV. 1  
22/04  
PLANNING #1  
200



**LAYOUT PLAN.**

**BAILEY DES**  
ARCHITECTURAL PLANNING #  
4  
404 MITCHELLS COURT  
WILMINGTON DE 19804  
RESIDENTIAL DIV OF TAMMERTON CO  
STORE, NEW STR  
ACCESS ROAD - LOW  
SCALE DATE DRAWN



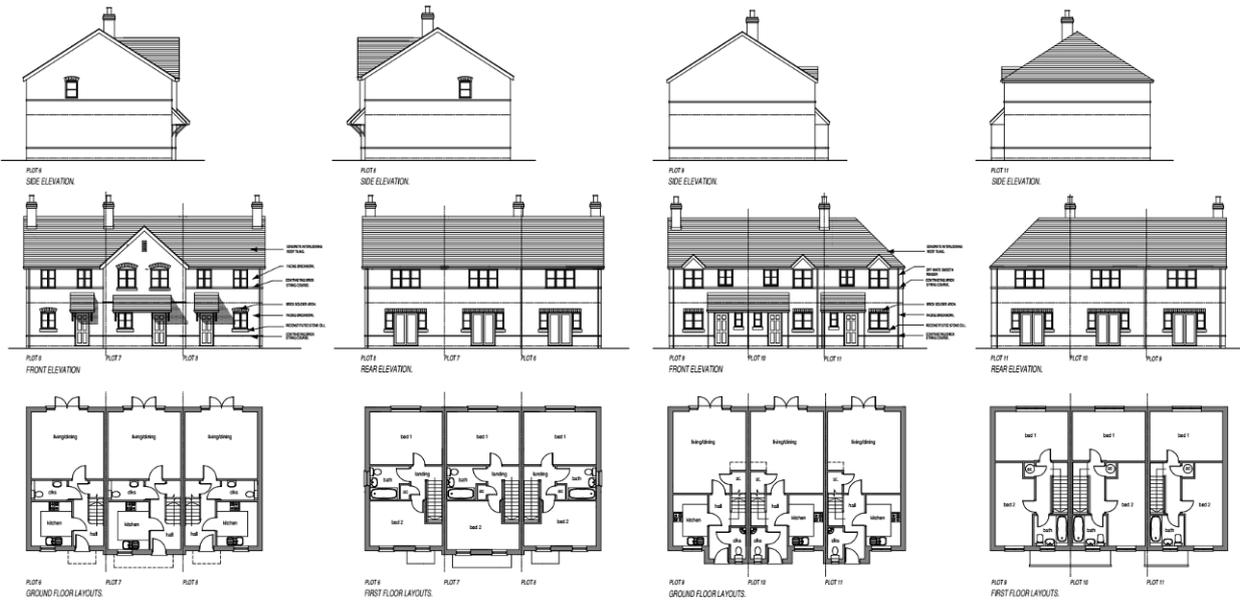
NO.	DATE	BY	CHKD.

**BAILEY DESIGN LIMITE**  
ARCHITECTURAL PLANNING & ENGINEERING CONSULTANTS  
404 MITCHELLS COURT LOWER CONCRETE TOWER



Revisions		Job No.
No.	Description	Date

**BAILEY DESIGN LTD**  
 ARCHITECTURAL PLANNING & DESIGN  
 65A WITSELLS COURT LOWER GOSWOLD  
 STAMFORD LEICESTERShire LE12 7JF  
 Email: info@baileydesign.co.uk



Revisions		Job No.
No.	Description	Date

**BAILEY DESIGN LIMITED**  
 ARCHITECTURAL PLANNING & DESIGN CONSULTANTS  
 65A WITSELLS COURT LOWER GOSWOLD STAMFORD

Appendix D – Photos of the site.





# Appendix E – Cuckoos Rest – Refusal and Appeal Decision



North Warwickshire  
Borough Council

Mr Ian Ritchie  
Ritchie & Ritchie LLP  
The Manor House  
Lichfield Street  
Tamworth  
B79 7QF

Jeff Brown BA Dip TP MRTPI  
Head of Development Control Service

The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Telephone: (01827) 715341  
Fax: (01827) 719225  
E Mail: [PlanningControl@NorthWarks.gov.uk](mailto:PlanningControl@NorthWarks.gov.uk)  
Website: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Date: 16 June 2015

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/2014/0100

---

### Site Address

The Cuckoos Rest, Whitehouse Road, Dordon, B78 1QE

Grid Ref: Easting 426176.99  
Northing 300869.36

---

### Description of Development

Demolition of existing public house and construction of A1 convenience store and A2/A5 adjacent unit with associated car parking; and 3no. first floor apartments

---

### Applicant

Punch Taverns

---

Your planning application was valid on 26 March 2014. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reasons:

1. The proposal will result in the loss of the last public house in Dordon. As a consequence it is considered that the loss of this community facility would harm the vitality of Dordon. The proposal does not therefore accord with Policy NW20 of the North Warwickshire Core Strategy 2014.
2. Notwithstanding the comments of Warwickshire County Council as Highway Authority, the Local Planning Authority considers that the cumulative impact of the traffic generated by this development proposal when set against the setting of the location, with its nearby school and library, and the general traffic levels on the surrounding roads will lead to an unacceptable highway situation to the detriment of road safety in the area. The proposal does thus not accord with Policy NW10 of the North Warwickshire Core Strategy 2014.

Authorised Officer: 

Date: 16 June 2015

---

## Appeal Decision

Site visit made on 8 December 2015

by **Nicola Gulley MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2016

---

**Appeal Ref: APP/R3705/W/15/3124776**

**The Cuckoos Rest, Whitehouse Road, Dordon, Tamworth, Staffordshire, B78 1QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Punch Taverns against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2014/0100, dated 28 February 2014, was refused by notice dated 16 June 2015.
  - The development proposed is the demolition of existing public house and construction of A1 convenience store, adjacent A2/A5 unit with associated car parking and 3no. first floor apartments.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The impact of the proposed development on the vitality of Dordon; and
  - The effect of the proposed development on highway safety.

### Reasons

#### *Background*

3. The appeal site comprises a substantial, detached Public House (PH) with associated parking and communal garden, located in a prominent position at the junction of Whitehouse Road and Roman Way. The site is situated close to the public library and Dordon Community Primary School.
  4. I am advised that following the determination of the planning application for the proposed development the Council has included the Cuckoos Rest on the list of Assets of Community Value (ACV). I note that the appellant contends that the inclusion of the PH on list of ACV was procedurally flawed and is proposing to challenge the designation. However, appeals in relation to ACV are considered in accordance with The Asset of Community Value (England) Regulations 2012 and are not a matter for me.
-

*Impact on the vitality of Dordon*

5. Policy NW20 of the adopted North Warwickshire Core Strategy (CS) (2014) recognises the role that local services and facilities play in ensuring the viability and vitality of communities and seeks, where appropriate, to ensure their retention or replacement. This approach is supported by paragraph 70 of the National Planning Policy Framework (NPPF) (2012).
6. The development proposes the demolition of the Cuckoos Rest PH and its replacement with a convenience store, an office, hot food takeaway and 3 no. first floor apartments with associated parking. The proposed convenience store is intended to replace the existing Co-operative store which is located in nearby New Street and in doing so assist in alleviating the highway problems in the locality. The Council contends that the proposed development would result in the loss of the last PH in Dordon and have an adverse effect on the vitality of the settlement. This view is supported by a significant number of local residents who have objected to the proposal and in particular the loss what they described as a long established and family friendly PH. Conversely, the appellant asserts that: patronage at the PH is in decline and as a result the sales of barrelled beer has reduced by half since 2010; in order to continue to operate the PH would need to be subsidised; there are 2 no. drinking establishments in the settlement; and that the proposed development would contribute to the continued vitality of Dordon.
7. With regard to economic viability, I accept that the PH is a commercial enterprise and that in order to continue to operate it must be profitable or have a reasonable prospect of becoming profitable in the near future. However, no substantive evidence has been submitted by the appellant that demonstrates that the PH is unprofitable or likely to remain so for the foreseeable future. Moreover, whilst I note that there are two other establishments within the settlement - 'The Dordon Institute' and 'The Dordon Working Men's Club and Institute', based on my observations at the site visit and on the evidence presented, these establishments are private clubs, which provide services and facilities specifically tailored to meet the everyday needs of their members. These establishments would therefore not provide the range of community based business, social and family friendly services that I am told are provided at the Cuckoos Rest and as such I do not consider that their use would adequately compensate for the loss of the PH.
8. In addition whilst the proposal would result in the development of new retail, office and residential development, these facilities already exist within the settlement. The proposed development therefore would not enhance the range of services available to the local community.
9. In light of the above I consider that the proposed development would result in the loss of a valued community facility, have an adverse effect on the vitality of Dordon and would be contrary to the objectives of CS Policy NW20 and the NPPF.

*Highway Safety*

10. CS Policy NW10 seeks to ensure that development proposals provide appropriate vehicular access and parking arrangements. In this instance the Highway Authority, raises no objection to the proposed development subject to

the imposition of conditions including the closure of the existing Co-operative store in New Street.

11. The proposed development was supported by a Transportation Statement (May 2014) and supplemented by additional information including the provision of additional TRICS data, revised access arrangements and servicing vehicle tracking analysis. In the absence of any technical evidence to the contrary, I am satisfied that the proposed development would not, subject to appropriate conditions, have an adverse effect on the local highway network or further exacerbate the traffic management problems associated with the primary school.
12. However, I am mindful that the assessment of the impact of the proposed development on the highway network was predicated on the basis that: the first tenant for the proposed convenience store would be the Tamworth Co-operative Society; the existing Co-operative store in New Street would close within 1 month of the proposed convenience store opening; and that vehicle movements associated with the existing store would be diverted to the proposed convenience store. In order to secure the future tenancy of the proposed store and the closure of the New Street store, the Council has suggested that the matter could be addressed by means of conditions or legal agreement. However, no legal agreement has been submitted with this appeal and the matter would therefore need to be addressed by conditions.
13. Guidance in relation to the use of conditions in planning permission is contained in Circular 11/95 which requires that conditions are necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable. In this instance, I do not consider that the use of a condition to restrict the first occupancy of the proposed convenience store and to require a 3rd party, the Tamworth Co-operative Society, to cease their retail activities in New Street and relocate to the proposed development would be relevant to planning or enforceable. In the absence of an appropriate mechanism to secure the future tenancy of the proposed A1 convenience store and the closure of the New Street store, I consider that the traffic generation associated with the proposed development would have an unacceptable effect on the local highway network and would be contrary to the objectives of CS Policy NW10.

#### **Other Matters**

14. The Council has drawn my attention to the change in Central Government policy in respect of affordable housing that has occurred since the application for the proposed development was determined, and the requirements of CS Policy NW6 – Affordable Housing. The appellant contends that there was no requirement for the provision of affordable housing on sites of less than 10 residential units at the time the application was submitted and that no request was made by the Council to provide affordable housing. CS Policy NW6 requires that provision of 20% affordable housing on schemes of between 1 and 14 units to be achieved either through provision on site or financial contributions. In this instance the application of the policy would result in a requirement for less than one dwelling and as a consequence a financial contribution would be required. However, no legal agreement has been submitted with this appeal which would allow for the contribution to be

secured. In the absence of such an agreement I consider that the proposed development would be contrary to CS Policy NW6.

**Conclusions**

15. In reaching my decision I have had regard to all the matters raised. However, none of these factors are sufficient to alter my overall conclusions.
16. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*  
INSPECTOR

## Appendix F – COOP New Street, Survey – 2015

### SHOPPER SURVEY – 22<sup>nd</sup> and 23<sup>rd</sup> SEPTEMBER 2015

#### Method

Shoppers arriving at the Coop New Street were asked to answer 2 questions

- a) How did they get to the Coop today?
- b) If the Coop moved to Whitehouse Road would they continue to shop there?

We believe that we approached about 80% of Coop shoppers during these 2 periods - and all except 2 were willing to answer these questions.

PERIOD	WALK	%	CAR	%	OTHER	%	TOTAL
2 – 4 pm	33	47%	36	51%	1	1.4%	70
5.30 – 6 30pm	18	72%	5	20%	2	8%	25
<b>TOTAL</b>	<b>51</b>	<b>53%</b>	<b>41</b>	<b>43%</b>	<b>3</b>	<b>3.2%</b>	<b>95</b>

**TABLE 1 –MODE OF TRANSPORT TO COOP IN NEW STREET**

PERIOD	WALK /NO	WALK /YES	% Yes	CAR/NO	CAR/YES	% Yes
2 – 4 pm	18	13	42	9	25	74
5.30 – 6 30pm	8	11	58	3	2	40
<b>TOTAL</b>	<b>26</b>	<b>24</b>	<b>48</b>	<b>12</b>	<b>27</b>	<b>69</b>

**TABLE 2 - WALKING AND CAR SHOPPERS [%] WHO WOULD CONTINUE TO SHOP AT COOP IF IT MOVED TO WHITEHOUSE ROAD**

#### OTHER FINDINGS

- Most shoppers stayed between 3 and 5 minutes and buy relatively few items – [NB this pattern may be different in the mornings and at weekends]
- Loyalty to the New Street Coop is considerable - the staff are seen as friendly, and the choice much greater than at the Spa. Nonetheless, if the findings from this survey can be generalized to other times and weekdays, **the Coop stands to lose about 52% of its current walking shoppers and 31% of its car shoppers if it moves to Whitehouse Road .**
- New migrants who work at Ocado, Birch Coppice shop at the Coop on their way home - and most would shop at the Spar instead.
- People were concerned about the effects of moving the Coop on the ability of their elderly relatives to go shopping + all elderly shoppers [except the ones who enjoyed walking] said they didn't want the Coop to move.
- Most residents of New Street do not believe the problem of traffic congestion in New Street will be solved or even alleviated by moving the Coop – they believe most of it is due to parking and traffic cutting through from the A5

*“some families have 2/3 cars, others park their work vans in the street and at Xmas when loads of people are off and everyone is at home, the problems are horrendous on.*

*If only the coop had provided car parking at the rear of their shop, things would be a lot better*

- During the survey periods quite a few on line shopping vans arrived or drove through New Street –a few shoppers said they would simply shop on line /go out of the village if the Coop moved /not bother
- Around school closure time [3 pm] more cars arrive with parents + children shopping for small items. Many of these parents say they would find it convenient to park at Whitehouse Road: some were concerned about safety

Unilateral planning obligation under the Town and  
Country Planning Act 1990 Section 106

Dated *21st May* 2018

TAMWORTH CO-OPERATIVE SOCIETY LIMITED

Re: Land at Whitehouse Road

and 70 and 72 New Street

Dordon

Tamworth

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21st May 2018

THIS UNILATERAL PLANNING OBLIGATION is dated [date] and is given by:

- (1) **TAMWORTH CO-OPERATIVE SOCIETY LIMITED** (Company No. IP02582R) is a registered society under the Co-operative and Community Benefit Societies Act 2014 of 5 Colehill Tamworth Staffordshire B79 7HA (the **Applicant**)

**1 Background**

- 1.1 The Applicant is the registered proprietor under title number number WK356945 of the land and property at Whitehouse Road Dordon Warwickshire shown for identification purposes only edged red on Plan No. 1 (the **Red Land**) and is the registered proprietor under title number WK334346 of the land and property 70 and 72 New Street Dordon Warwickshire shown for identification purposes only edged blue on Plan No. 2 (the **Blue Land**).
- 1.2 North Warwickshire Borough Council (the **Council**) is the local planning authority
- 1.3 The Applicant has by planning application number PAP/2017/0660 applied to the Council for planning permission to develop the Red Land
- 1.4 The Applicant has by planning application number PAP/2017/0659 applied to the Council for planning permission to develop the Blue Land
- 1.5 The Applicant is willing to give an undertaking to perform the obligations set out in this Unilateral Planning Obligation in order to facilitate the grant of planning permission on the Red Land by ensuring that the Council can regulate the Development of the Blue Land

**2 Definitions and interpretation**

**2.1 Definitions**

In this Unilateral Planning Obligation:

<b>Act</b>	means the Town and Country Planning Act 1990
<b>the First Application</b>	means the planning application numbered PAP/2017/0659 made by the Applicant to develop the Red Land by demolition of the existing public house and construction of a new convenience store with separate A1 use unit, parking and access
<b>Blue Land</b>	means the land shown for the purposes of identification only edged blue on Plan No 2
<b>Development</b>	means the development of the Red Land proposed in the First Application or permitted by planning permission granted pursuant to the First Application or carried out substantially in accordance with such planning permission
<b>Red Land</b>	means the land shown for identification purposes edged red on Plan No. 1
<b>the Second Application</b>	means the planning application numbered PAP/2017/0660 made by the Applicant to develop the Blue Land by demolition of the existing convenience store and construction of 12 dwellings with associated parking and access

**2.2 Interpretation**

- 2.2.1 Words importing the masculine include the feminine and vice versa
- 2.2.2 Words importing the singular include the plural and vice versa
- 2.2.3 Words importing persons include companies and corporations and vice versa
- 2.2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually

- 2.2.5 Any reference to a clause or schedule or plan is to one in or attached to this Unilateral Planning Obligation
- 2.2.6 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument direction specification made or issued under the statute or deriving validity from it
- 2.2.7 References to any party to this Unilateral Planning Obligation shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successor to its functions as local planning authority

### **3 Enabling provisions**

This Unilateral Planning Obligation is entered into pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers

### **4 Commencement and determination**

- 4.1 This Unilateral Planning Obligation shall come into effect on the date of the grant of the planning permission granted pursuant to the First Application but the obligations in Schedule 1 shall become effective only on the commencement of a material operation as defined in Section 56(4) of the Act but for the purposes of this Unilateral Planning Obligation works involving soil investigations, archaeological investigations, demolition, site clearance, site preparation, the diversion and laying of services, the erection of fences and hoardings and the preparation of site access shall not constitute a material operation
- 4.2 If the planning permission granted pursuant to the First Application shall expire before the commencement of a material operation or shall at any time be revoked then this Unilateral Planning Obligation shall be determined and shall have no further effect

### **5 Applicant's Covenants with the Council**

The Applicant covenants with the Council in the terms set out in Schedule 1 of this Unilateral Planning Obligation.

### **6 General**

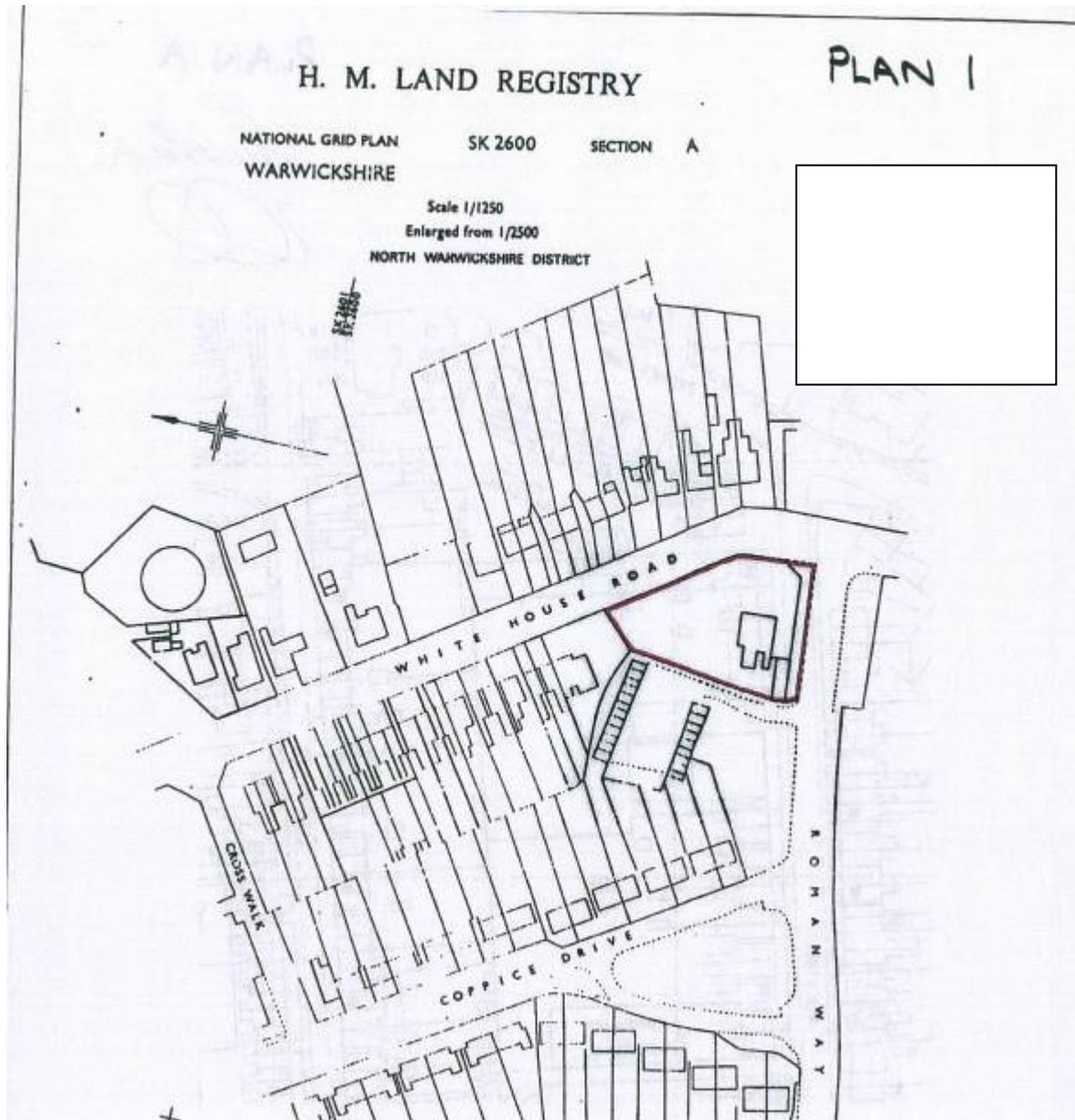
The Applicant acknowledges and declares that:

- 6.1 the obligations contained in this Unilateral Planning Obligation are planning obligations for the purpose of Section 106 of the Act
- 6.2 this Unilateral Planning Obligation constitutes a deed
- 6.3 this Unilateral Planning Obligation is enforceable by the Council
- 6.4 this Unilateral Planning Obligation does not nor is intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999
- 6.5 no person shall be liable for any breach of the covenants restrictions or obligations contained in this Unilateral Planning Obligation after that person has parted with its interest in the Red Land or the Blue Land or the part of it in respect of which the breach occurs but without prejudice to liability for any breach subsisting prior to parting with such interest
- 6.6 the provisions of this Unilateral Planning Obligation shall not be enforceable against such successors in title to the Applicant as own or occupy individual housing units within the Blue Land
- 6.7 this Unilateral Planning Obligation may be registered as a local land charge in the Register of Local Land Charges maintained by the Council
- 6.8 that the Applicant has the sole proprietary interest in the Red Land and Blue Land and that there are no third party interests which would require any other party to give this Unilateral Planning Obligation

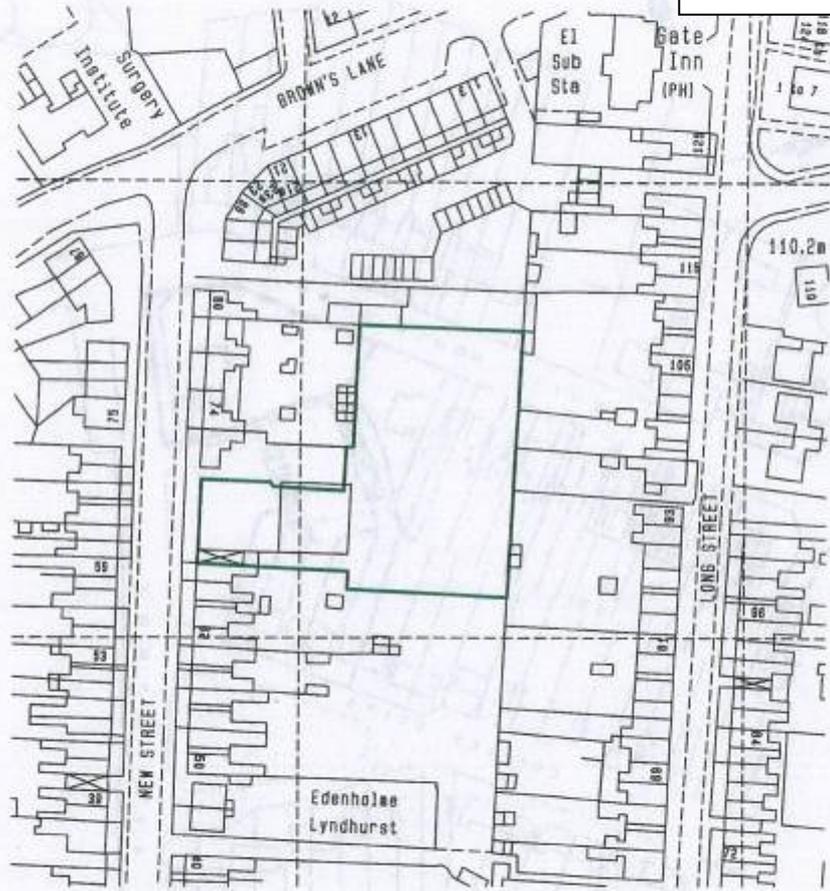
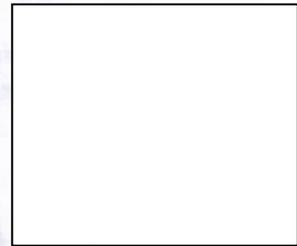
SCHEDULE 1

The Owner covenants with the Council:

- 1 within two calendar months of the convenience store to be erected on the Red Land first being open to members of the visiting public to cease to use the Blue Land for any use falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987
- 2 within 12 calendar months of the grant of planning permission on the Blue Land pursuant to the Second Application or the implementation of a planning permission granted pursuant to the First Application (whichever is the later) to demolish the commercial buildings on the land edged green on the plan marked A attached



PLAN A



**LOCATION  
PLAN.**



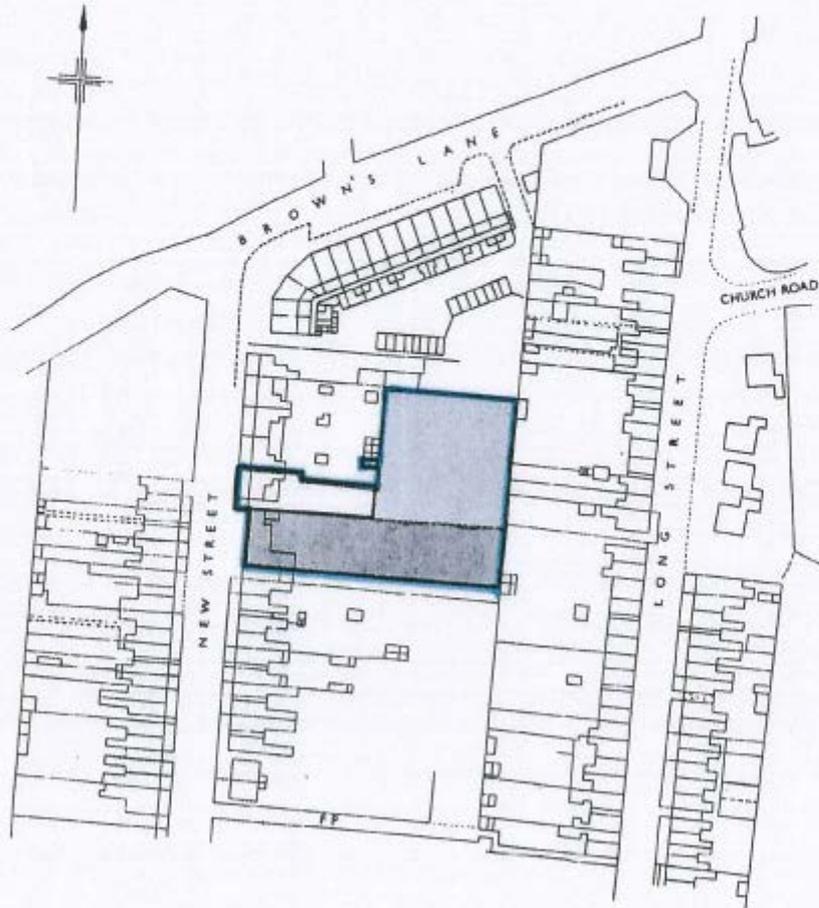
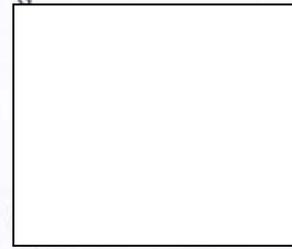
SCALE 1/1250.

H. M. LAND REGISTRY

PLAN 2

© NATIONAL GRID PLAN SK 2600 SECTION G  
WARWICKSHIRE

Scale 1/1250  
Enlarged from 1/2500  
NORTH WARWICKSHIRE DISTRICT



**(7) Application No: PAP/2018/0065**

**The Boot Inn Public House, Watling Street, Grendon, CV9 2PG**

**Change of use from public house (A4 use) to a mixed use development comprising of a convenience store (A1 use), business offices (A2/B1) and community use (D1/D2) including building works and extensions., for**

**F Espley & Sons Ltd SSAS**

**Introduction**

This application is referred to the Board for determination at the request of local Members concerned about the potential amenity and highway impacts.

**The Site**

The application site is situated within the development boundary of Grendon occupying a prominent location at the roundabout junction with Boot Hill and the A5 (Watling Street). The A5 forms part of the trunk road network carrying a significant volume of vehicular traffic. Grendon lies approx. 3.5km to the west of Atherstone and 8km to the east of Tamworth.

The site was formerly in use as a Public House but the last lease on the freehold has expired and it has been vacant since March 2017.

The applicant has stated that the site has remained vacant in the intervening period despite having been extensively marketed by an agent specialising in the lettings/sales of Public Houses.

Vehicular access is presently from the A5 which leads directly into an existing hard surfaced car park.

The former public house comprises a three storey rendered building which fronts the A5 together with a range of two-storey buildings fronting Boot Hill. These are later additions.

The site has residential properties to its east and as well on the opposite side of the A5.

A location plan is at Appendix A

**The Proposal**

The application seeks the change of use from a public house (A4 use) to a mixed use development comprising of a convenience store (A1 use); business offices (A2/B1) and community use (D1/D2) including building works and extensions.

The existing gross internal floorspace for the public house measures about 450 square metres. The proposed mixed use floorspace including the proposed extension would equate to 657 square metres, divided as:

A1 Shops – 405 sqm  
B1(a) Office- 200 sqm

D2 Assembly and Leisure- 52 sqm

The extension would be constructed out of matching materials to the existing building.

The proposed opening hours for the A1 use would be 0700 to 2300 hours Mondays to Sundays including Bank Holidays.

The proposed opening hours for the B1(a) use would be 0700 to 1800 Mondays to Fridays; 0900 to 1400 hours on Saturdays with no Sundays and Bank Holidays opening hours.

The proposed opening hours for the D2 use would be 0700 to 2200 Mondays to Saturdays with no Sundays and Bank Holidays openings.

Originally seventeen car parking spaces were proposed, but this has now been increased to twenty five.

The proposed layout is shown at Appendix C and the elevations are at Appendix D.

### **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ECON5 (Facilities Relating to the Settlement Hierarchy), ECON12 (Services and Facilities in Category 3 and 4 Settlements), TPT1 (Transport Consideration in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

National Planning Policy Framework 2018 - (the 'NPPF')

National Planning Policy Guidance 2014 – (the 'NPPG')

The Submitted North Warwickshire Local Plan 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP11 (Economic Regeneration), LP22 (New Services and Facilities), LP23 (Loss of Services and Facilities), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

### **Representations**

Grendon Parish Council – No comments received.

Eleven objections have been received from local residents referring to:

- There are already three convenience stores within the village and opening another one will affect all these businesses
- The pub is more than 100 year old and it's an historic building.
- The proposal will cause traffic "chaos" as there are currently approx. 4500 cars using that round-about on the A5 from morning 6am till 8pm

- Increased possibility of having major accident as big trucks and constant moving traffic on A5.
- There will be problems for existing residents using their accesses
- Noise and mess from community/café use
- Pollution from additional vehicular movements to the site
- Hours of opening are too much for a village setting.
- Light pollution and loss of privacy to nearby neighbouring properties.
- Car park security – request for collapsible bollards following HGV overnight parking in area which would impact on amenity of village and immediate neighbours
- Concerns regarding flooding at site particularly waste water and sewage

Three representations of support have been received:

- The area is in need of a larger store which has off road parking. Current convenience stores in Baddesley and particularly Boot Hill, Baddesley cause obstructions on the highway by users
- It will provide a much needed amenity for the village.
- It will make good use of the existing building
- The area of land will become useful and save it from becoming the eyesore it is at the moment

## **Consultations**

Warwickshire County Council as Highways Authority – No Objection subject to standard conditions.

Highways England – It has submitted a second holding objection recommending that the application not be determined at the present time. The applicant responded to a first holding objection, such that the matter concerning the principle of the development was withdrawn. However there was still an outstanding issue with one aspect and thus a second holding objection was forwarded. This will be explained later in the report.

Environmental Health Officer – Conditions will be needed to control delivery times and also in respect of mitigation measures for the plant room.

Warwickshire Crime Reduction and Safety Officer – No Objection

Warwick Museum – No objection

## **Observations**

### **a) Principle of development**

The site is within the development boundaries defined for Baddesley and Grendon by the Development Plan. As such these settlements are expected to take additional residential development as well as to accommodate new services and facilities. This approach is continued in the recently submitted Local Plan. As such there is no objection in principle to this proposal. The proposal would provide essential services to support the growth over the period of the emerging Local Plan, 2018. The proposal is therefore supported in principle.

The one issue that might detract from this conclusion is whether the loss of this public house as a local community facility would be acceptable.

Paragraph 70 of the NPPF states that planning decisions should guard against the unnecessary loss of valued facilities and services. Policy NW20 of the Core Strategy 2014 indicates that the loss of existing services and facilities which contribute to the functioning of a settlement, would only be supported where the facility is replaced elsewhere, or it is proven that its loss would not harm the vitality of the settlement.

Since 2015, the premises have been vacant for two periods - September 2015 to December 2015 and from October 2016 to November 2016 - as well as from 21 March 2017 to the present day. The applicant has also provided additional information with marketing evidence which strongly suggest that the continuation of the use is not viable proposition. This is significant evidence which supports the loss of this type of use at this site.

The proposal seeks the change of use to a mixed use development comprising of a convenience store (A1 use), business offices (A2/B1) and community use (D1/D2). The introduction of these new uses is considered to add to and contribute to the range of community facilities available in the settlement. This is a consideration of significant weight.. Whilst it is acknowledged the change of use would result in the loss of specifically a public house, there would not be an overall loss or harm to the vitality of the settlement.

Additionally, having regard to employment, the proposal would provide five full time positions and eight part-time equivalents. In general terms therefore it is not considered that there would be an adverse impact on local community provision as the proposal would be more likely to provide more opportunities.

Overall therefore it is in these circumstances that the principle of the development can be supported.

#### **b) Impact on residential amenity**

A number of concerns have been raised in regards to potential impacts on the residential amenity of the neighbouring properties. Each needs to be looked at in turn.

As Members are aware, final details regarding lighting at the site and the potential impact can be conditioned. However the applicant has confirmed that the car park lighting would take the form of low bollards with low level luminaries. Security lighting on the buildings themselves would be considered under the details submitted through the condition which would enable consultation with neighbouring occupiers. Bearing in mind the level of street lighting in the area Members should understand that there will be limited opportunity here to remove all light pollution.

In terms of overlooking and anti-social behaviour Members will appreciate that the car park already exists and has been used as such in connection with the use of the premises as a public house. There us thus unlikely to be a significant and demonstrable change.

With regards to the use of the car park, then the applicant acknowledges that there have been occurrences when it has been used by overnight HGV's. Collapsible bollards are proposed with the intention for emergency use only to restrict access to the site out of opening hours.

### **c) Design and Appearance**

The premises are not a Listed Building and neither are they affected by any neighbouring Listed Building or are they included on any local list of non-designated assets. The site is neither in a Conservation Area. In this case however the applicant has sought to re-use and adapt the building to the proposed use. This works very well as it retains the important Watling Street and Boot Hill frontages.

Seen in more detail, then the proposal seeks limited alterations to the main form and outward facing elevations within the street scene. Along the Boot Hill elevation, a number of modern ranges have been added over time. The finish here is with facing red brick and render. It is noted a number of air holes are present along the rear range along Boot Hill which are proposed to be retained.

The existing ranges of buildings at the site are both substantial and characterful. The range of buildings and various additions over time, form part of a continuous street frontage with properties on Boot Hill. As addressed above, whilst not listed nor within a Conservation Area, it is considered the buildings contribute to the character appearance and historic reading of the development of the settlement. The limited alterations to the main form do not warrant refusal.

The proposal seeks alterations to fenestration along the Boot Hill elevation. An infill roof between the ranges is proposed which is considered acceptable. The render and existing window openings will remain although a chimney is sought to be removed.

Design of the conversion and alterations and extensions would be commensurate and sympathetic to the existing property and its surroundings. As such overall the proposal would not result in demonstrable harm to the character of the area or street scene.

### **d) Highway Matters**

It is this issue that has given rise to the most concern as the existing access onto the Watling Street would be retained. The concerns are that there would be increased turning movements both into and out of the site particularly during the day unlike its use when it was a public house.

Warwickshire County Council has a limited remit here as the access is onto a Trunk Road, the responsibility of Highways England. The County Council however has no objection in principle or to the number of car parking spaces proposed – particularly after in the increased provision – or to the adequacy of the site to accommodate turning delivery vehicles.

Highways England initially expressed some concern and issued a holding objection recommending that no determination be made within three months until matters were further explored with the applicant. As a result of that dialogue Highways England is now satisfied that there is no objection in principle. It therefore withdrew its holding objection in that respect. However it was not fully satisfied with one detailed matter and therefore it has issued a further holding objection. This seeks further information and detail in respect of the pedestrian/ cycling and horse riding assessment undertaken by the applicant and then secondly, it points out that the submitted Road Safety Audit cannot be “signed off” until that Assessment has been fully undertaken.

## e) Conclusions

Members are fully aware of the pedestrian issues in this part of Grendon and of past responses from Highways England. As a consequence the Board is expected to give substantial weight to the current recommendation from Highways England. However it has to be pointed out that Highways England no longer has the power of Direction and its comments are a recommendation to the Board. The Board therefore has to weigh this as another material planning consideration in its final planning balance of whether or not to grant a planning permission. It has the opportunity therefore to grant a planning permission, subject to pre-commencement conditions requiring satisfactory resolution of this matter. This approach does carry weight and is, not unreasonably, being requested by the applicant. It is suggested that, in the circumstances and given the recent evidence of this question of pedestrian and cyclist safety at this site, that the Board might wish to consider its own holding position.

From a planning perspective there is no objection to the proposal in principle. It is sustainable development within a sustainable location. There are no residual adverse impacts that not capable of being dealt with by planning condition. There is thus a clear path here towards supporting the proposal in principle and in respect of the proposed on-site detail. A resolution so based should provide the comfort for the applicant to re-enter his dialogue with Highways England. If that is satisfactory then the matter is capable of being dealt with under delegated powers. If not, then the case is referred back to the Board.

### Recommendation

That the Board is minded to **GRANT** full planning permission in respect of the submitted plans and the conditions set out below. However, the applicant is requested to continue the dialogue with Highways England such that provided their holding objection is withdrawn, the issue of the Notice be delegated to the Head of Development Control subject to any conditions required by Highways England. If the objection is not withdrawn, then the matter be referred back to the Board for determination at the earliest opportunity.

### 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

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 plans referenced 5364-010 Rev A 'site location', 5364-009 'existing site layout', 5364-008 'Existing Floor Plans and Elevations', 5364-006 Rev D received by the Local Planning Authority dated 29 January 2018 and plan reference 5364-007 Rev G received by the Local Planning Authority dated 21 August 2018.

REASON

For the avoidance of doubt for what is permitted

3. The materials to be used in the development shall match those set out within the application form received by the Council on 29 January 2018 and within the detail contained within plan reference 5364-006 Rev D.

REASON

To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. 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 in accordance with the approved details before the buildings are occupied.

REASON:

To safeguard the character and appearance of the area and protect residential amenity.

5. Samples of the materials to be used for the external walls and roof of the development granted permission shall be submitted to, and approved in writing by, the Planning Authority before any work starts on site. Only the approved materials shall then be used on site.

REASON

In order to achieve an acceptable form of external treatment.

6. No machinery shall be operated; no activity carried out and no deliveries received at or despatched from the site outside of the following hours during the construction and laying out of the approved development - 0800 to 1800 hours Monday to Friday and 0900 to 1300 hours on Saturdays - with no works whatsoever on Sundays and Bank Holidays.

REASON

To protect the occupants of nearby premises from excessive noise/disturbance associated with the implementation of this permission.

7. No loading and unloading of materials associated with the development of the site shall occur from Boot Hill. All construction vehicles shall utilise the existing car park within the site to load and unload.

REASON

In the interests of highway safety

8. The development shall not be occupied until the existing vehicular access to the site fronting Boot Hill has been closed-off permanently to the specification of the Highway Authority.

REASON

In the interests of highway safety.

9. No building shall be occupied until the access, car parking, manoeuvring and service areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.

REASON

To ensure that adequate car parking facilities are provided in the interests of road safety.

10. A scheme for the provision of CCTV to cover the whole site including the car park shall be submitted to and approved by the local planning authority prior to the proposed development being brought into use.

REASON

In order to provide a safe a secure development and to safeguard adjacent residential amenity.

11. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON

To safeguard the character and appearance of the area.

12. Boot Hill shall not be used to service the site. All deliveries and collections shall be made from the proposed car parking and service area.

REASON

In the interests of highway safety.

## Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, negotiations and assisting in solving technical objections. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
2. Condition number 8 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, 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 will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke

3. 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](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

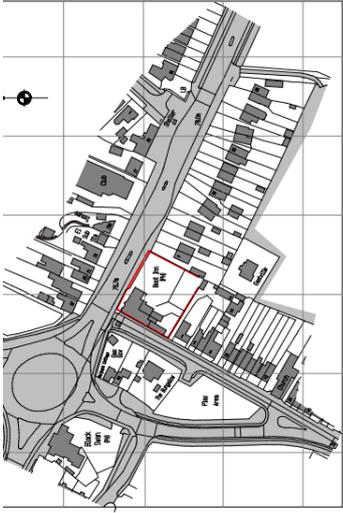
Planning Application No: PAP/2018/0065

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms	
2	The Agent	Site Location Plan 5364-010A	
3	The Agent	Existing Site Layout Plan 5364-009	
4	The Agent	Existing Floor Plans and Elevations 5364-008	
5	The Agent	Proposed Site Layout Plan 5364-007f	
6	The Agent	Proposed Floor Plans and Elevations 5364-006d	
7	The Agent	Planning Statement Rev A	14/5/18
8	The Agent	Estate Agent Figures Confidential	
9	The Agent	Transport Assessment and Appendices	10/4/18
10	SCP Transport	Swept Path Analysis ATR04 dated 21.12.2017	29/1/18
11	SCP Transport	HGV Swept Path Analysis ATR08 6.07.2018	17/7/18
12	SCP Transport	General Arrangement and Visibility Splays F06 26.03.2018	17/7/18
13	SCP Transport	Forward visibility splay relocated island 08.06.2018	17/7/18
14	SCP Transport	Road Safety Audit Brief	17/7/2018
15	SCP Transport	WCHRAR Exemption Note redacted	17/7/18
16	WCC Highways	Consultation Response 1	21/2/18
17	WCC Highways	Re-consultation Response 2	17/5/18
18	WCC Highways	Re-consultation Response 3	21/6/18
19	Highways England	Consultation Response 1	14/2/18
20	Highways England	Re-consultation Response 2	14/5/18
21	Highways England	Response comments only 3	23/5/18
22	Highways England	Re-consultation Response 3	2/8/18

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

# Appendix A – Site Location Plan



site location plan  
scale 1:1250

RECEIVED  
2018/08/15  
PLANNING & DEVELOPMENT  
DIVISION

A1

Client:	F. Epley & Sons Ltd
Comments:	Proposed change of use, alteration and Extensions of the former Boot Inn, Gledon.
Drawing No:	Existing Conditions Site Location Plans
Date:	August 2017
Scale:	1:500 1:1250 & A1
Contract Number:	3534
City No:	ESM4-010
Revision:	
Drawn by:	15/08/2017 15:00:00

0 site block plan  
scale 1:500



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Appendix B – Site Visit Photographs





